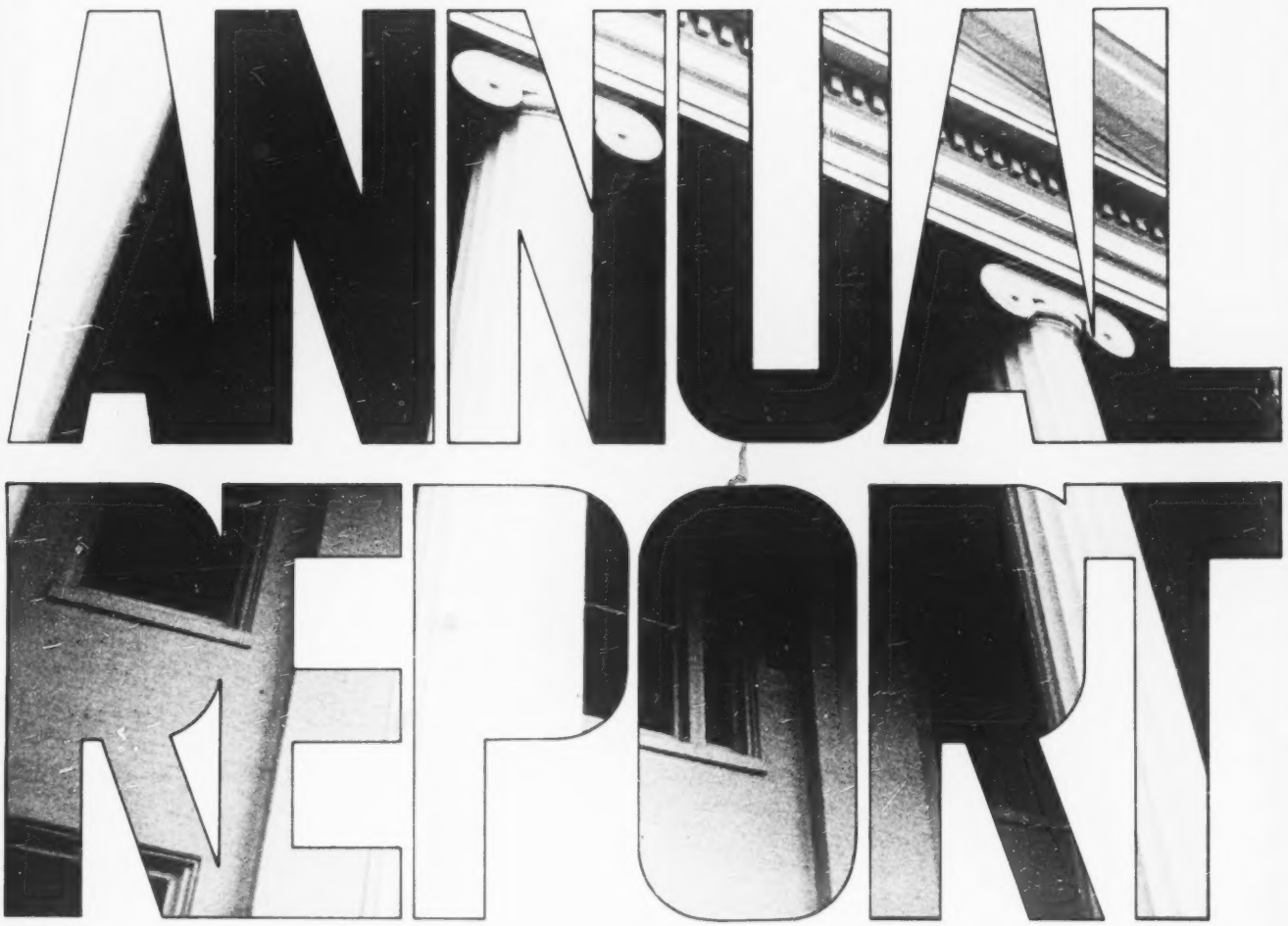
1985-86

ANNUAL REPORT



Kentucky Court of Justice

Tenth Anniversary

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KENTUCKY
COURT OF JUSTICE
1985-1986
ANNUAL REPORT

Printed at Mill Creek Facility

This is a report of the business of the Kentucky Court of Justice for Fiscal Year 1985-86.

In recognition of the Tenth Anniversary of the Unified Court System established by passage of a judicial amendment to the Kentucky Constitution in 1975, this report also reviews the court system's progress over the past decade. Various sections included herein preface reports on current functional status with brief historical overviews of growth and accomplishments since implementation of the new Judicial Article. This Annual Report is particularly designed to offer the reader a look at where we were, where we have been, and were we are now.

The delivery of justice is dependent not only upon the judges and juries who serve the public so impartially, but also upon the circuit clerks and other court-support personnel who perform their duties with diligence and dedication. Without their contributions over the years, this report - this court system - would not be possible.

Photo by: Robert H. Van Outer

This report is a publication of the Administrative Office of the Courts, Commonwealth of Kentucky, paid for with state funds. It was written by Court of Justice personnel, compiled and edited by Pam Vest, Supervisor of Public Information, and Charles Wehrley, Jr., Public Information Officer.

On the cover: The Clark County courthouse, located in Winchester, was completed in 1853 and is the county's fourth courthouse. The structure was remodeled in 1938-39 when 20 additional rooms were added. It has been said that Henry Clay made his first speech in this courthouse and that his last speech made there was in the celebrated Quisenberry Will case shortly before he went to Washington where he died. The records of the courthouse hold untold treasure for the historian and genealogist because it has complete records of wills, settlements, deeds, marriage registers, and all the court orders and minutes of court meetings since 1793. Among other interesting records is a deposition made by Daniel Boone on September 15, 1796.

TABLE OF CONTENTS

COURT OF JUSTICE ORGANIZATION CHART ..... Page 4

IN MEMORIAM ..... Page 5

KENTUCKY'S JUDICIAL ARTICLE
- A Historical Perspective ..... Page 6

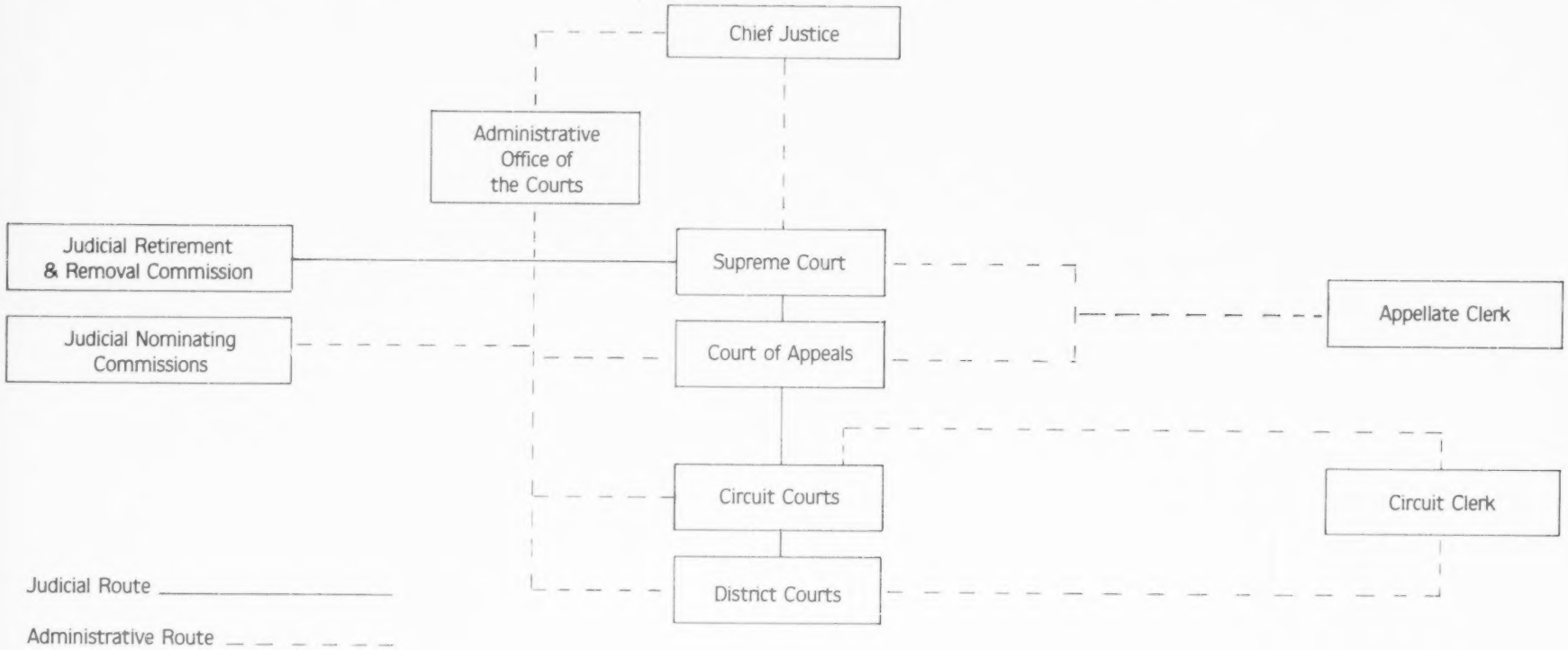
THE KENTUCKY COURT OF JUSTICE
- The Supreme Court ..... Page 12
- Chief Justice ..... Page 13
- Associate Justices ..... Page 14
- Court of Appeals ..... Page 16
- Circuit Court ..... Page 17
- District Court ..... Page 17
- Clerks of Court ..... Page 18
- Judicial Retirement and Removal Commission ..... Page 19
- Rules of Court ..... Page 22

ADMINISTERING THE COURTS
- The Administrative Office of the Courts ..... Page 24
- Administrative Services ..... Page 25
- Facilities/Operations ..... Page 26
- Field Services ..... Page 28
- State Law Library ..... Page 29
- Pretrial Services ..... Page 32
- The Budget Process ..... Page 39
- Education ..... Page 44
- Public Information ..... Page 46
- Electronic Data Processing ..... Page 48

SPECIAL COURT PROJECTS
- Regional Administration ..... Page 51
- Video Court Reporting ..... Page 54
- Economical Litigation Project ..... Page 57

JUDICIAL STATISTICS
- Supreme Court Statistics ..... Page 67
- Court of Appeals Statistics ..... Page 69
- Circuit Court Statistics ..... Page 72
  - Circuit Court Caseload Ranking ..... Page 75
- District Court Statistics ..... Page 76
  - District Court Caseload Ranking ..... Page 80

KENTUCKY COURT OF JUSTICE



Circuit Clerk Don Hays

Jackson Circuit Court Clerk Don Hays died on September 4, 1985 at the age of 44.

A native of Jackson County, he attended Eastern Kentucky University. He served as circuit clerk from 1964 when he was elected to the office at the age of 22. Mr. Hays was named an honorary clerk of the former Court of Appeals when it was the state's court of last resort, and in 1981, was recognized by the Kentucky Circuit Clerks' Association for his outstanding service to the circuit court.

In addition to serving as circuit clerk, Mr. Hays operated a wrecker service and farmed tobacco. He was a member of R.J. Lodge 946 in McKee, and Scottish Rites, 32nd Degree, in Covington.

Mr. Hays is survived by his wife, Doris, a daughter, son, and grandchild.

District Judge Thomas Garvey

Jefferson District Judge Thomas O. Garvey died February 3, 1986. He was 57.

Judge Garvey was first elected to the 30th District, Second Division judgeship in 1977 and re-elected in 1981 and 1985. He was a graduate of St. Xavier High School and held bachelor's and law degrees from the University of Louisville. Prior to joining the judiciary, he engaged in private law practice and served as assistant commonwealth's attorney.

The judge is survived by his wife Mary Patricia, his mother, a sister, three grandchildren, and six sons, one of whom is Jefferson District Judge Kevin Garvey.

The Warren County Justice Center, located in Bowling Green, is Kentucky's newest judicial complex. It officially opened in the Fall of 1986.

The sum and substance of the importance of this ten year anniversary of the passage of the Judicial Article are epitomized in the results ... one Court of Justice. For many who work daily in the system, or become involved as parties in the proceedings, it is probably difficult today to visualize the court structure of Kentucky as it was a decade ago. Under the 1891 Constitution, the circuit courts were given constitutional status, as were a variety of lower courts, including police courts, county courts, quarterly courts, and justice of the peace courts. Those inferior courts had overlapping jurisdiction, and consisted of nearly 1,000 part-time courts by 1975. There was no intermediate appellate court, and the former Court of Appeals (now the Supreme Court) was overburdened with cases. Given the traditional reluctance of the voters of the Commonwealth to approve constitutional amendments unless some direct benefit accrues to them personally, it was an arduous task to secure the support and confidence necessary to obtain a majority vote at the polls.

"Judicial reform is not a sport for the short-winded." With the Kentucky experience, Arthur T. Vanderbilt's famous words proved to be prophetic. November 4, 1975, was not a date to be reckoned as the beginning or the end of this judicial system ... it was in the middle. And this is not an anniversary that came about because millions of dollars were spent on a public campaign. It was hard, grueling work performed by hundreds of people who cared enough to assist in the education of the citizens of Kentucky about the need for judicial reform. It took ten years to accomplish that goal.

Early Attempts At Revision

The final, successful effort to revise the 1891 judicial article actually began in 1964 with the creation of the Constitutional Revision Assembly. The article embodied in the constitutional proposal closely resembled the judicial article which eventually passed in 1975. Although the entire revision proposal became an issue in the hustings, the Judicial Article provoked the most criticism and political abuse because it would have stripped control of county power bases from the county judges, justices of the peace and police judges.

The proposal was soundly defeated at the polls by a four-to-one margin in 1966.

In 1968, following the rejection of the Constitutional Revision Assembly proposed by the voters, the Kentucky Bar Association took the lead and moved forward in its efforts to cure the ills of the system. In conjunction with the American Judicature Society, the bar association sponsored a statewide Citizens Conference on Kentucky State Courts. Encouraged by the response to the conference and the dissemination of the resulting consensus statement, the KBA had a draft Judicial Article prepared for submission to the 1972 General Assembly. There was an apparent division of opinion between the bench and the bar concerning the provisions relating to the lower courts, which many felt would lessen the chances to pass an amendment that would insure an intermediate appellate court. Lacking an agreement between the legislators, the bench and the bar, the bill died in committee.

The Ad Hoc Drafting Committee

Despite the failures, the momentum for judicial reform was growing and was recognized by the formation of several committees charged with the task of drafting a new Judicial Article. The Governor's Judicial Advisory Commission was established by executive order; other active drafting committees were the Steering Committee of the Kentucky Court of Appeals, the Judicial Article Committee of the Kentucky Bar Association, the Courts Committee of the Kentucky Crime Commission, and the Interim Committee on Elections and Constitutional Amendments of the Kentucky General Assembly. Realizing the difficulty of coordinating the efforts of so many large committees, the chairmen of each group formed themselves into an Ad Hoc Drafting Committee, and reported back to their various full committees with progress reports. The ad hoc committee also enlisted the support and advice of the most knowledgeable legal minds in the Commonwealth to refine the draft. The work of the committee continued through many revisions until it was ready for submission to the General Assembly for their approval to be placed on the ballot as a referendum.

The Hopkins County courthouse, located in Madisonville, was erected in 1936, replacing the original structure built in 1883.

Kentucky Citizens For Judicial Improvement, Inc.

In the summer of 1973, it became apparent that a permanent, professional staff was necessary to provide assistance to the many committees involved, and to guide the proposal through the

session of the General Assembly to be convened in January 1974. Kentucky Citizens for Judicial Improvement, Inc., a non-profit organization, was formed for this purpose and funding was secured through the Kentucky Crime Commission from the Law Enforcement Assistance Administration. An initial award of $118,511 was made in 1973, and an additional $15,000 was added in 1974. By January 1, 1975, another $150,000 was awarded, bringing the total to $283,511.

The primary goal of the project established by the initial grant award was to research, compile and disseminate information regarding the operation and needs of the Kentucky judicial system as it existed, and to make recommendations for changes in the judicial process to effect an improvement through administrative, statutory and constitutional revision. With funds available, it was possible for the drafting committee to obtain an accurate picture of the thoughts of the people about the needs of the court system.

A Public Conference on the Proposed Kentucky Judicial Article was held in September, 1973, at which about 100 participants met with a panel of five experts who had been successful in judicial reform in their respective states. The discussions centered on the substance of the proposed Judicial Article, and strategies for achieving executive, legislative, judicial, public and organizational support for the proposal. The draft was discussed, criticized and evaluated section by section by the participants. Comments by the out-of-state experts paved the way for Kentucky to devise a Judicial Article that would conform realistically to the wishes of its citizens and yet provide a more effective and efficient system of justice.

Three months later a Kentucky Citizens Conference for Judicial Improvement was held, co-sponsored by the Kentucky Citizens for Judicial Improvement, the American Judicature Society, the Kentucky Bar Association, the Kentucky Circuit Judges' Association, the Kentucky Judicial Conference, and the Kentucky League of Women Voters.

One hundred and forty judges, lawyers, and lay citizens were invited to attend. The program included both instate and out-of-state faculty who provided the participants with an in-depth study of the existing Kentucky court system and conducted seminars on court organization, judicial personnel, court administration, and citizen involvement. After three days of intensive study of the proposed Judicial Article, the Conference issued a consensus statement which declared that it was a public responsibility "to take steps necessary for the establishment of a permanent organization which would examine the recommendations of the Conference and adopt a plan of procedure for action and fulfillment." With this mandate, an Ad Hoc Committee of the Citizens' Conference was formed and became members of the Board of Directors of Kentucky Citizens for Judicial Improvement, Inc.

A Public Opinion Survey

The most valuable decision made by the proponents of a new Judicial Article was to have a public opinion poll conducted under the auspices of the grant. Kentucky Citizens for Judicial Improvement entered into an agreement with John F. Kraft, Inc. to conduct a survey of "Adult Attitudes in Kentucky toward Kentucky's Court System and Judicial Reform." The survey, completed in December 1973, was comprehensive in every respect, with samples taken statewide by age of respondent, economic level, circuit court and appellate court district, and area of residence, e.g., urban, rural and the like.

The survey revealed that 73 percent of Kentucky residents preferred law-trained judges. In contrast, the survey also indicated that 65 percent of Kentuckians wanted to continue to elect their judges, rather than have them appointed under a

merit selection plan. They were in favor of a more equitable and efficient system, but were reluctant to relinquish control of local trial courts.

With these opinions at hand, the drafting committee made drastic changes in the proposed draft which would make it more acceptable to the General Assembly, and eventually to the general public.

The final draft included provisions for a four-tiered court structure, with the Chief Justice as its executive and administrative head; a Supreme Court, a Court of Appeals, the circuit courts, and the district courts. The merit selection of judges, which was included in earlier drafts, was removed and replaced with non-partisan elections, except in cases of a vacancy where appointment was made by the Governor from a list of three submitted by a Judicial Nominating Committee. Another major change in the original draft was made for demographic reasons. Because it became apparent that judges trained in the law would not be available in each of Kentucky's 120 counties, provisions were made for the appointment of trial commissioners in counties where no district judge resided. It was additionally provided that trial commissioners must be an attorney if one were qualified and available. The remainder of the proposed Judicial Article was virtually unchanged; the creation of a Judicial Retirement and Removal Commission, the guarantee of at least one appeal as a matter of right (a provision which was not guaranteed by the 1891 Constitution), state funding of the unified Court of Justice, and the right of the Supreme Court to prescribe rules of practice and procedure.

Submission to the General Assembly

The proposal, after having been disseminated to various committees, the bar association, and interested citizens, was drafted into bill form and submitted to the General Assembly in February 1974. It was introducted in the Senate and was reported favorably by the Elections and Constitutional Amendments Committee. The bill passed the Senate on March 7, 1974 by a vote of 24-13. The Senate vote was considered to have been very close since Section 256 of the Kentucky Constitution requires that three-fifths of the elected members of each house must vote favorably for passage.

Stung by the narrow margin in the Senate, the proponents concentrated heavily on securing support in the oftentimes more independent House of Representatives. The bill was referred to the House Elections and Constitutional Amendments Committee where a battle was raging to rescind the Equal Rights Amendment, which had been ratified during the previous session. Because advocates of rescission of the ERA could not garner enough votes to get their bill out of committee, the chairman called for reconsideration of the courts bill and the motion passed. The judicial amendment bill was temporarily pigeonholed until the next scheduled committee meeting when several members of the committee who were supporters of the Judicial Article agreed to report the ERA measure out of committee in return for a favorable report on the judicial amendment. On March 15, 1974, the bill passed the House of Representatives by 79-4, a vote well above the three-fifths majority needed to place the measure before the people for ratification.

Education Of The Public

For the ensuing year and a half, the objective was to recruit an army of volunteers to assist in the education of the public about the flaws in the existing court system and of the need for reform ... to underline, by comparison, the differences between the old and the newly proposed. For many dedicated individuals, the hard work had just begun.

One of the major projects undertaken by Kentucky Citizens for Judicial Improvement was the establishment of a Speakers' Bureau consisting of over 200 participants, primarily judges and members of the Kentucky Bar Association.

Speaking engagements were actively solicited from every civic and service organization in the state. Speakers were provided with information kits which included hand-out materials and sample speeches for use with any type of audience. Although attempts were made to secure speakers who were not lawyers, most laymen did not feel adequately prepared to field the legal question with which they might be confronted concerning the provisions of the Judicial Article. Consequently, the burden of maintaining the Speakers' Bureau fell on the shoulders of the members of the bar.

The importance of the involvement of the Kentucky Bar Association cannot be overemphasized. Although most of the public educational efforts were coordinated through the Kentucky Citizens for Judicial Improvement, the bar association assisted in the development of regional seminars, one in each of the seven congressional districts. Additionally, bar association representatives were chosen to serve as Judicial Article Chairman and Co-Chairman in each county of the Commonwealth, setting up a statewide network of attorneys to serve in a local liaison capacity.

The Young Lawyers Section of the KBA distributed copies of the proposed Judicial Article to 1600 young lawyers in Kentucky, and by means of their newsletter asked the membership to participate in the movement for judicial reform.

Organizational support was an important factor in reaching the public at large. Liaison with civic and service groups was maintained through personal visits, telephone calls and attendance at local and statewide meetings. Through these ongoing contracts, 22 organizations publicly endorsed the Judicial Article by resolution, and approximately 30 others accepted the offer of Kentucky Citizens for Judicial Improvement to provide speakers at their state conventions.

A major focus of the educational effort was on the schools, at both the secondary and undergraduate levels, as well as the graduate level in law. Lesson plans and program materials designed to help the individual teacher prepare a comprehensive lecture on the subject of judicial reform were developed for all levels. Some type of exposure to the Judicial Article was achieved on every campus throughout the Commonwealth.

One of the most effective aids in the passage of the judicial amendment was the press. Numerous articles were written discussing the problems of the old system and comparing them to the proposed system. Editorial support was widespread, and statewide media coverage was given to the educational campaign. The press, more clearly than any other institution, had seen the need for substantial improvement.

As election day drew nearer, it was decided to contract once again with the John F. Kraft Company to conduct a follow-up survey to determine the major issues that might have developed during the two years of activity engendered by the Kentucky Citizens for Judicial Improvement. The poll, somewhat less comprehensive than the one taken in 1973 and concentrated in the urban areas, indicated that the electorate had not changed their feelings about modernizing the courts, and predicted that "the Judicial Article is a winner."

With a positive response to the survey and high hopes for the future of the judicial system, a new committee was formed for the sole purpose of raising money to buy advertising, an activity prohibited under the federal grant awarded to Kentucky Citizens for Judicial Improvement. This organization, Kentuckians for Court Modernization, was composed of prominent attorneys and lay persons whose responsibility was to solicit money for the placement of advertisements urging a "YES" vote in newspapers and on radio and television. The media blitz began during the last two weeks before the election and was concentrated in the urban areas of the state.

Ratification

November 4, 1975 ... for the advocates of judicial revision, it was a day to remember.

The total vote cast on the constitutional amendment was 395,543 with 215,419 for passage and 180,124 against. Despite the newspaper headlines declaring the majority a "narrow margin," the favorable votes represented 54.46 percent of the total vote on the question, landslide proportions in any election.

The judicial amendment carried three and lost four of Kentucky's seven congressional districts. The four districts in which the Judicial Article was defeated were the first, second, fifth, and seventh, all rural districts in the far eastern and far western sections of the state. In contrast, the amendment carried the third, fourth, and sixth congressional districts, which contain the state's largest metropolitan areas. Only 35 of Kentucky's 120 counties approved the amendment. In many rural counties, however, the tally was as close as 20 to 30 votes difference, a factor that had a definite bearing on the final outcome. If the amendment had been soundly defeated in the rural areas, as many expected, the margin of majority in the urban areas would not have been sufficient to effect passage.

An analysis of the success of the judicial amendment does not produce any clearcut answers as to why the referendum was approved by the voters. Local officials across the state, who were for the most part opposed to the change, were stunned and claimed that the judicial amendment would not have passed without the urban vote. Others declared that it was a fluke, because the people did not know what they were voting on. Some claim that the final burst of media advertising before the election substantially affected the outcome. An examination of the statewide survey conducted in September 1975, however, reveals that the Judicial Article had already been declared a winner.

The most realistic assessment of the success appears to be that education of the public to the need for judicial improvement, one-on-one contact with people, involvement of community leaders and civic organizations, and most of all, the existing chaotic situation in the court system, were decisive factors in achieving change.

This recitation of facts and figures, the chronological list of activities reported here, cannot convey the excitment that built up as proponents of a new judicial system for Kentucky realized that they were going to accomplish their goal. They knew, moreover, that it was not the end of a dream ... it was the beginning of another decade of planning and implementation. But the framework was established and it was one of the most modern, efficient ones in the nation. The most promising ingredient inherent in the 1975 Judicial Article was its flexibility, giving the dreamers of today the ability to continue to improve the courts and give the citizens of this Commonwealth equitable and speedy justice.

The Judicial Article of the Kentucky Constitution provides for one unified Court of Justice, consisting of four courts: The Supreme Court, the Commonwealth's court of last resort; the Court of Appeals, an intermediate appellate court; the Circuit Courts, courts of general trial jurisdiction; and the District Courts, courts of limited jurisdiction.

The Court of Justice is unified for purposes of administration, with the Chief Justice having executive and administrative authority over the entire system. The Administrative Office of the Courts, created by statute, serves as staff to provide assistance in the performance of the administrative functions of the Supreme Court.

The state Capitol Building, which recently celebrated its 75th Anniversary, houses Kentucky's Supreme Courtroom, justices' chambers, and the State Law Library. The Capitol is located in Frankfort.

THE SUPREME COURT

Organization

The Supreme Court consists of seven justices, one elected from each of the seven appellate districts. A majority constitutes a quorum for the transaction of business. A Chief Justice, elected for a term of four years by his fellow members, presides over the Court and has administrative authority over the entire Court of Justice. The term of office of a Justice of the Supreme Court is eight years, staggered among the seven districts according to statute.

Compensation of the justices is determined by the General Assembly.

Jurisdiction

The Supreme Court has appellate jurisdiction only, except it has the power to issue all writs necessary in aid of its appellate jurisdiction. Appeals from a judgment of the circuit court imposing a sentence of death or life imprisonment or imprisonment for 20 years or more are taken directly to the Supreme Court, but other cases of great and immediate importance may be transferred from the Court of Appeals if a motion for transfer is granted. Decisions of the Court of Appeals may be appealed to the Supreme Court if granted a discretionary review as prescribed by rule of court. The Supreme Court has the authority to prescribe rules for the appointment of commissioners and other court personnel and rules of practice and procedure for the Court of Justice. Additionally, the Supreme Court controls admission to the bar and dicipline of members of the bar.

Robert F. Stephens
Chief Justice
Fifth Supreme Court District

Chief Justice Stephens is a native of Covington, Kentucky, born in 1927. After serving in the United States Navy during World War II, he graduated from Indiana University, and received his law degree from the University of Kentucky College of Law in 1951. He served as a law clerk for the former Kentucky Court of Appeals for one year. In 1952, he was an attorney for the Kentucky Department of Insurance for one year before entering the private practice of law in Lexington. He was Assistant Fayette County Attorney for five years.

Justice Stephens was elected Fayette County Judge in 1969 and re-elected in 1973. During those terms of office, he was instrumental in the organization of the Kentucky Association of County Officials, holding office at both state and national levels. In 1975, he was elected Attorney General for the Commonwealth of Kentucky, an office he held until his appointment to the Supreme Court in 1979. Voters in the Fifth Supreme Court District elected him in 1980 to complete the term through December 1984. He was re-elected to a full eight-year term in November 1984. In 1982, he was elected Chief Justice by his Supreme Court associates. The American Judicature Society awarded him its Herbert Harley Award in recognition of his effective administration of justice. In 1986, the Kentucky Bar Association presented him with its Outstanding Judge of the Year Award.

Roy N. Vance
Justice
First Supreme Court District

Born in Paducah, Kentucky in 1921, Justice Vance received an associate degree from Paducah Junior College and his LL.B. from the University of Kentucky College of Law where he was a member of the Order of Coif. He began practicing law in 1942, served one term as McCracken County Attorney from 1953-1957. He was a trial commissioner for the McCracken County Court for ten years from 1960-1970.

Prior to his 1976 election to the Court of Appeals, Justice Vance served six years as a commissioner for the former Kentucky Court of Appeal. In 1982, he was elected to the Supreme Court, taking office on January 3, 1983.

William M. Gant
Justice
Second Supreme Court District

Justice Gant was born in 1919 in Owensboro, Kentucky. He received an A.B. degree from Transylvania University in 1940 and his LL.B. in 1947 from the University of Kentucky. He served as juvenile judge for eight years and Commonwealth's Attorney for 14 and one-half years for the 6th Judicial Circuit.

For many years, Justice Gant was a member of the Kentucky Crime Commission, during which time he was a member of the committee which drafted the judicial amendment for the new state court system. He served as judge of the Court of Appeals for six years until his election to the Supreme Court for an eight-year term beginning in 1983.

Justice Gant has been the recipient of the Kentucky Alumni Association's Distinguished Service Award; Kentucky Council on Crime and Delinquency Distinguished Service Award; and the R. Haynes Barr Award by the Kentucky Medical Association to the outstanding layman in the field of public health.

J. Calvin Aker
Justice
Third Supreme Court District

Justice Aker, born in 1939, is from Somerset, Kentucky. He attended Eastern Kentucky University where he received a B.S. degree in chemistry and a M.S. in political science. He received his J.D. from the University of Tennessee College of Law in 1969. He taught chemistry, physics and general science at Nicholas County High School before entering the private practice of law, in which he was engaged from 1970 until 1977.

Justice Aker was elected district judge in 1978, and to the Supreme Court in 1979. In March 1986, he resigned from the Court to return to the private practice of law.

John D. White
Justice
Third Supreme Court District

After serving ten years on the Court of Appeals, Justice John D. White was appointed to the Supreme Court in 1986 to succeed Justic J. Calvin Aker, who resigned from the court. Justice White was born in East Liverpool Ohio, in 1915. He received his J.D. from the University of Louisville and his B.D. from Louisville Presbyterian Seminary. Justice White was admitted to the Kentucky Bar in 1939.

Charles M. Leibson
Justice
Fourth Supreme Court District

Born in 1929, Justice Leibson graduated cum laude from the University of Louisville School of Law in 1952. He practiced privately for 21 years after serving in the U.S. Army as a legal officer for two years. He served as Jefferson Circuit Judge from 1976 until his election to the Supreme Court for an eight-year term beginning in 1983.

Justice Leibson is a member of the University of Louisville School of Law faculty, the International Academy of Trial Lawyers, and the Inner Circle of Advocates. He also served as a faculty member with the Harvard Law School National College of Advocacy, and the National Judicial College, Reno, Nevada. He received the 1980 Judge of the Year Award from the Louisville Bar Association and was chosen the nation's Outstanding State Trial Judge in 1980 by the Association of Trial Lawyers of America. The same Association presented the justice with its 1985 Judicial Achievement Award, recognizing him as the nation's outstanding judge.

Donald C. Wintersheimer
Justice
Sixth Supreme Court District

Justice Wintersheimer was born in Covington, Kentucky in 1932. He received his A.B. from Thomas More College in 1953, his M.A. from Xavier University in 1957, and his J. D. from the University of Cincinnati in 1960. He was admitted to the bar in Kentucky and Ohio, and practiced law until he was elected to the Court of Appeals in 1976. He served on the Court of Appeals until his election to the Supreme Court in 1982 for an eight year term beginning January 3, 1983.

Justice Wintersheimer is a former president of the Thomas More Alumni Association and the Kentucky Municipal Attorneys' Association. He received the Community Service Award from Thomas More College in 1970 and was named Outstanding Teacher in 1973. He is a member of the adjunct faculty at Chase College of Law, and chairman of the Mandatory Continuing Judicial Education Commission.

James B. Stephenson
Justice
Seventh Supreme Court District

Justice Stephenson was born in Greenup, Kentucky in 1916. He received his A. B. in 1938 and his LL.B. degree in 1941 from the University of Kentucky. The justice was a captain in the United States Air Force during World War II, and during his four years service received seven Battle Stars and was the recipient of a Presidential Unit Citation. Justice Stephenson was engaged in the private practice of law in Pikeville for 17 years until he was elected to the former Court of Appeals in 1972. Justice Stephenson was re-elected in 1980 to an eight-year term on the Supreme Court.

THE COURT OF APPEALS

Organization

The Court of Appeals consists of 14 judges, two elected from each of the seven appellate districts for a term of eight years. A Chief Judge is elected from among members of the court for a term of four years. The Court of Appeals may divide itself into panels of not less than three judges, a majority of each panel concurring in the decision of a case. The Chief Judge has authority to assign judges to panels and to determine locations within the Commonwealth where each panel shall sit. Panels are chosen on a rotational basis, so that each judge sits with every other judge at least once a year. Cases are assigned to panels by the Chief Judge.

Jurisdiction

The Court of Appeals has appellate jurisdiction only, except that it may be authorized by rule to review directly decisions of administrative agencies of the Commonwealth, and to issue all writs necessary in aid of its appellate jurisdiction. One appeal, as a matter of right, may be taken from a judgment of the circuit court, the court of general trial jurisdiction, to the Court of Appeals. Decisions of the circuit court, when sitting on an appeal from district court, may be appealed to the Court of Appeals if granted a discretionary review as prescribed by rule of court.

Chief Judge John P. Hayes
Court of Appeals of Kentucky

THE CIRCUIT COURT

Organization

The circuit court consists of 91 judges serving in 56 judicial circuits which are determined by law. Circuit court is held in each county. Circuit judges are elected for a term of eight years from judicial circuits categorized as follows: one-judge one-county circuits, multi-county one-judge circuits; and multi-judge one-county circuits. In any judicial circuit having only one judge, he or she is the chief judge. In judicial circuits having more than one judge, a chief judge is elected biennially from among their number. Compensation of circuit judges is set by the legislature.

Judge Thomas B. Spain
President
Kentucky Circuit Judges'
Association

Jurisdiction

The circuit court is a court of general trial jurisdiction and has original jurisdiction of all justiciable causes not vested in some other court. Jurisdiction in civil cases is limited to those involving an amount in controversy not less than $2500. Its appellate jurisdiction is provided by law, and all appeals are on the record. Review of administrative actions of state agencies constitute an original action and not an appeal.

Judge Peter C. Macdonald
President
Kentucky District Judges'
Association

THE DISTRICT COURT

Organization

The district court consists of 123 judges elected for a term of four years from 57 judicial districts. In any judicial district having only one judge, he or she is the chief judge. In judicial districts having more than one judge, a chief judge is elected biennially from among their number. In any county in a district in which a district judge does not reside, the constitution mandates that the district judge shall appoint a resident trial commissioner. District court is held in each county. Compensation of district judges is determined by law.

Jurisdiction

District court is a court of limited jurisdiction. Its civil jurisdiction is limited to cases where the amount in controversy does not exceed $2500, and cases relating to probate and mental health. The Small Claims Division of district court has jurisdiction of cases involving not more than $1,000. It has criminal jurisdiction of misdemeanors, felony preliminary hearings, city and urban-county ordinance cases, traffic matters and certain juvenile cases. The district court may be granted statutory authority to review decisions of administrative boards. The district court is a court of record.

CLERKS OF COURT

The efficiency of the Court of Justice is dependent in large part upon the Clerks of Court. Under the provisions of the state constitution there is a Clerk of the Supreme Court, a Clerk of the Court of Appeals, and a Circuit Court Clerk who serves both the circuit and district courts within each respective circuit.

A necessary adjunct to the appellate and trial courts, the clerks have the responsibility to maintain custody, control and safe storage of court records, to maintain accountability for financial transactions, and to assist the court in the orderly and systematic disposition of court matters.

Clerk of the Supreme Court and the Court of Appeals

From 1850 until December 11, 1979, the Clerk of the Supreme Court (formerly the Court of Appeals) was a statewide elected official. Although Section 114(1) of the Judicial Article of the present Kentucky Constitution provides that "the Supreme Court shall appoint a clerk to serve as it shall determine," the transitional schedule attached to the constitutional amendment adopted in 1975 retained the elected clerk until the expiration of the existing term of office. On that occasion, the Supreme Court appointed its Clerk in accordance with the constitutional provisions. The Clerk of the Court of Appeals, whose appointment is provided for in Section 114(2), was chosen to serve as Clerk of both appellate courts.

The duties and responsibilities of the clerks of the appellate courts are defined by rule of court rather than by statute. Both offices are funded by appropriations to the Court of Justice.

John Scott
Clerk
Supreme Court of Kentucky
Court of Appeals of Kentucky

Arthur Walson
President
Kentucky Circuit Clerks' Association

Circuit Court Clerks

Section 114(3) of the Kentucky Constitution states that the clerks of the circuit courts shall be elected, and that they shall serve as clerks of the district court. There is one circuit clerk elected in each of Kentucky's 120 counties, for a term of six years, and the number of deputies assigned to each clerk and their respective salaries is regulated by the Administrative Office of the Courts, in conformance with criteria upon which appropriations are made by the General Assembly.

The general duties and responsibilities of the Circuit Clerks are contained in Chapter 30A of the Kentucky Revised Statutes. Specific duties are outlined in the **Kentucky Circuit Clerk's Manual**, which under Civil Rule 1 and Criminal Rule 1.02 of the Kentucky Supreme Court, has the force and effect of a rule of court.

JUDICIAL RETIREMENT AND REMOVAL COMMISSION

Introduction

The Judicial Retirement and Removal Commission which met for the first time on December 7, 1976, operates under Section 121 of the Kentucky Constitution and Supreme Court Rules 4.000 through 4.310. It has jurisdiction over judges of the Supreme Court, Court of Appeals, Circuit Court and District Court, and over complaints against non-judge candidates for judicial office. The composition of the commission is established by Section 121 of the Constitution.

Members of the Commission during FY 1985-86 were:

Mr. Charles Landrum, Jr.
Chairman
Lexington, Kentucky

Judge Paul Gudgel
Court of Appeals
Lexington, Kentucky

Judge N. Mitchell Meade
Circuit Court
Lexington, Kentucky

Judge Charles D. Scott
District Court
Louisville, Kentucky

Ms. Francis Hamilton
West Paducah, Kentucky

Mr. Dennis Dorton
Paintsville, Kentucky

The Commission, in accordance with rules, has alternate members who serve during such time as a member disqualifies or is otherwise unable to serve or a vacancy exists. The alternate members during the reporting period were as follows:

Mr. Richard Nelson
Covington, Kentucky

John D. White
Court of Appeals
Lexington, Kentucky

Judge Laurence Higgins
Circuit Court
Louisville, Kentucky

Judge John Adams
District Court
Lexington, Kentucky

Jurisdiction and Authority

The Rules of the Supreme Court adopted October 1, 1976 relating to the jurisdiction and authority of the Retirement and Removal Commission remained unchanged until they were amended effective March 8, 1983.

The amendments give jurisdiction of complaints against non-judge candidates for judicial office to the commission. Until the adoption of the order by the Supreme Court, any disciplinary actions against lawyers seeking judicial office were handled by the Kentucky Bar Association.

The commission has the authority to impose the sanctions, separately or collectively of (1) suspension or disbarment from the practice of law; (2) admonition, private reprimand, public reprimand or censure; (3) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following: (1) misconduct in office; (2) persistent failure to perform judicial duties; (3) imcompetence; (4) habitual intemperence; (5) violation of The Code of Judicial Conduct, Rule 4.300; (6) any willful refusal or persistent failure to conform to offical policies and directives adopted by the Supreme Court and issued by the Chief Executive Officer of the Court of Justice; (7) conviction of a crime punishable as a felony.

Finally, under Rule 4.020 (1)(c), the Commission has authority to remove a judge whom it finds to lack the constitutional and statutory qualifications required for the judgeship. Also Rule 4.020 (2) states that an erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.

Organization and Procedures

The Judicial Retirement and Removal Commission operates independently of the Administrative Office of the Courts. The budget for the Commission

is, however, a component of the budget of the Court of Justice and the AOC provides administrative support to the Commission and its limited staff.

Mr. James D. Lawson has served as part-time executive secretary of the Commission since August 1982.

The Commission meets each month, at which time correspondence and complaints are reviewed by members. The Commission has developed a general pattern of inviting judges in for an informal appearance before authorizing a preliminary investigation when a complaint is received which states allegations within the Commission's jurisdiction. This informal appearance may end the Commission's consideration of a complaint without any type of formal sanction being taken.

Where the situation warrants an investigation, the Commission may authorize a preliminary investigation by one of two part-time investigators employed by the Commission.

Prior to the initiation of formal charges the judge is given an opportunity to examine all factual information, including the name of the informant, and to supply the Commission with additional information. When formal charges are filed, there is an opportunity to answer the charges and have a formal hearing with right of counsel. Frequently, the Commission employs counsel to present the evidence supporting the charges.

Commission Action

A statistical summary of the matters considered by the Commission during the past year is included on the following page. The number of complaints filed with the Commission increased from 111 in 1984-85 to a total of 165 in 1985-86.

STATISTICAL REPORT
KENTUCKY RETIREMENT AND REMOVAL COMMISSION

SOURCE OF COMPLAINTS	1985-86
Judges	3
Auxiliary Judicial Personnel	0
Bar Groups	2
Individual Attorneys	14
Litigants or Friends, Relatives, Witnesses	127
Non-Litigating Citizens	10
Public Officials (e.g. Police, DA)	1
Court Watchers	0
Commission Initiated	0
Other	8
Total	165

COMPLAINT BY COURT	
District Court	62
Circuit Court	98
Trial Commissioner	5
Court of Appeals	0
Supreme Court	0
Lawyer Seeking Judicial Office	0
Total	165

TYPES OF ALLEGATIONS	
Disagreements w/Judge's Rulings	77
Judicial Temperment, Impatience, etc.	14
Bias, Prejudice	28
Administrative Problem (e.g. delay)	32
Ex-Parte Communication	0
No Opportunity to be Heard	0
Willful Misconduct in Office, Disregard of Law	5
Off Bench Misconduct	0
Campaign Violation	8
Judicial Intemperance	
Judge Practicing Law	1
Total	165

DISPOSITION	
Dismissed (Unfounded, Frivolous)	80
Not Within Commission's Jurisdiction	36
Case Closed	0
Judge Resigned Before Formal Charges Filed	1
Judge Resigned After Formal Charges Filed	0
Judge Retired Before Formal Charges Filed	0
Judge Retired After Formal Charges Filed	0
Case Dismissed After Formal Hearing	0
Case Dismissed After Recommedation for Displine	0
Private Censure	0
Public Censure	3
Suspension w/o pay as Final Sanction	2
Fine Imposed	0
Involuntary Retirement	0
Removal from Office	0
Other Disposition	1
Complaints Pending	7
Complaints Resolved After Informal Investigation	45
Informal Appearance	14

RULES OF COURT

Kentucky court procedure is governed by the Rules of Civil Procedure (CR), Rules of Criminal Procedure (RCr), and Rules of the Supreme Court (SCR). When the judicial system was revamped by constitutional amendment in 1976, it became necessary to promulgate many rules amendments to meet the changing needs of the courts.

For several years subsequent to 1976, rules revisions were made when it became apparent that existing procedural provisions were not applicable to the unified Court of Justice, and to bring the rules into conformity with constitutional and statutory enactments.

Although necessary, the process was unwieldy and it proved difficult to keep the members of the bar informed of the many amendments on a continuing basis.

In 1983, in an effort to make the practice of law less complicated, the Supreme Court adopted a policy whereby rules changes will be promulgated once annually, on July 1, except in exigent circumstances. In accordance with CR 87, proposed changes may be submitted to the Supreme Court for its consideration by practicing attorneys and laymen.

Rules of Civil Procedure

The Rules of Civil Procedure govern procedure and practice in all actions of a civil nature in the Court of Justice except for special statutory proceedings.

Supreme Court Justice Charles M. Leibson has been appointed by Chief Justice Robert Stephens to chair a committee to consider proposals for civil rules changes. He in turn has appointed a committee of practicing attorneys which meets periodically to review suggestions submitted to the Supreme Court. A report is compiled by the committee which includes its recommendations for rules amendments, and an annual public hearing is held by the Supreme Court on those proposals during the Kentucky Bar Association Convention. Several amendments have been adopted during this reporting period as a result of the committee deliberations.

Justice Leibson and his committee are conducting similar meetings concerning the civil rules in preparation for another public hearing in the spring of 1987.

Civil Rules Committee Members:

Justice Charles M. Leibson, Chairman

Hon. Uhel Barrickman, Glasgow

Hon. E. Andre Busald, Florence

Hon. Frederick Dolt, Louisville

Hon. Joseph Huddleston, Bowling Green

Hon. William E. Johnson, Frankfort

Hon. William R. Mapother, Louisville

Hon. William A. Miller, Sr., Louisville

Hon. William P. Mulloy, Louisville

Hon. Edward Stopher, Louisville

Hon. Richard Fitzgerald, Louisville

Hon. Michael O. McDonald, Louisville

Hon. John W. Potter, Louisville

Hon. John C. Scott, Frankfort

Rules of Criminal Procedure

The Rules of Criminal Procedure govern procedure and practice in all criminal proceedings in the Court of Justice. They are intended to provide for a just determination of every criminal proceeding, and must be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay.

Chief Justice Stephens has appointed Supreme Court Justice Roy N. Vance to assume leadership of a committee to consider proposed changes in the Rules of Criminal Procedure. Since the adoption of a massive revision of the entire body of criminal rules took place in 1981, activity in this area has been limited. Justice Vance has appointed a committee to review proposed changes in the Rules of Criminal Procedure. The committee submits its recommendations to the Supreme Court for its deliberation after an annual public hearing is held.

Criminal Rules Committee Members:

Justice Roy N. Vance, Chairman

Hon. Penny Warren, Frankfort

Hon. Frank W. Heft, Jr., Louisville

Hon. Frank E. Haddad, Jr., Louisville

Hon. William E. Johnson, Frankfort

Hon. Mark P. Bryant, Paducah

Hon. William L. Graham, Frankfort

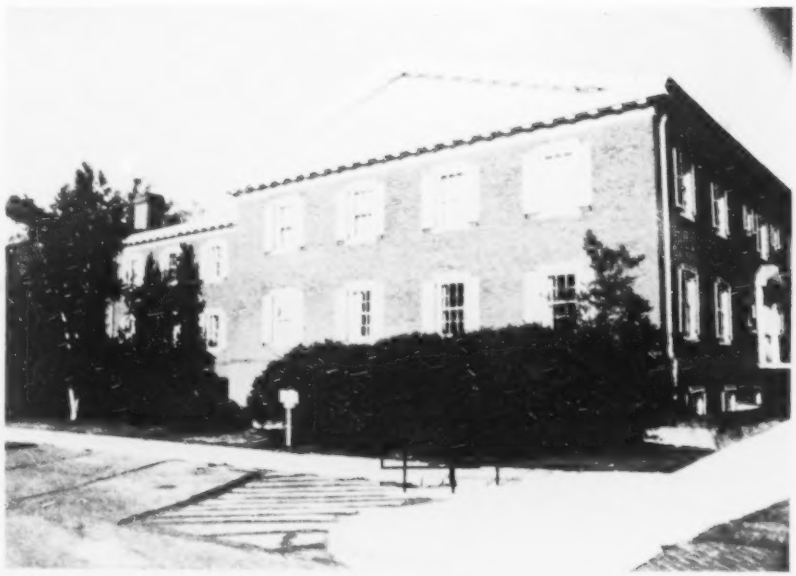
Rules of the Supreme Court

The Rules of the Supreme Court cover matters of policy and administration within the Court of Justice, and govern admission of persons to practice law and the practice of law within the Commonwealth. Rules relating to the Judicial Retirement and Removal Commission and the Judicial Ethics Committee are included, as well as rules for trial commissioners of the Court of Justice.

Justice James B. Stephenson has been appointed by the Chief Justice to review proposed changes to the Rules of the Supreme Court.

THE ADMINISTRATIVE OFFICE OF THE COURTS

The Administrative Office of the Courts, by statute, serves as staff for the Chief Justice of the Kentucky Supreme Court. As executive head of the Court of Justice, the Chief Justice has delegated a majority of the statutory functions to the AOC, whose personnel component is under the administrative authority of Dan. P. Cetrulo, Director.



The Administrative Office of the Courts is located in the Bush Building, Frankfort, Kentucky

Pursuant to Section 110(5)(b) of the state constitution the following duties are assigned to the Administrative Office of the Courts under the supervision of its administrative director:

(1) To act as fiscal agent of the Court of Justice, including:

(a) preparation of budget estimates and a budget draft for each biennium;

(b) administration of the budget including the allotment and allocation of all funds;

(c) preaudit and approval of all expenditures;

(d) maintenance of authorized imprest cash funds;

(e) purchase of equipment, supplies and services;

(f) storage and disbursement of equipment and supplies;

(g) repair and maintenance of equipment;

(2) To maintain under its direct control data processing equipment and facilities and other information gathering systems for the purpose of:

(a) publishing statistical and status reports on the operation of the courts;

(b) evaluating special projects conducted under the auspices of the court;

(c) operating case management, and other data processing systems.

(3) To administer the local court facilities program;

(4) To administer the personnel polices of the Court of Justice and process all personnel actions and payrolls for the Court of Justice;

(5) To prepare, publish and print forms and manuals for the court and print stationery and other materials;

(6) To provide support for the regional administration of trial courts, boards and commissions;

(7) To provide educational programs for judges, clerks and support personnel;

(8) To regulate accounting and records practices and procedures;

(9) To supervise the state law library;

(10) To administer the pretrial services program;

(11) To perform such other functions as may be directed.

ADMINISTRATIVE SERVICES

Fiscal matters are handled by the Administrative Services Group which is responsible for payroll processing, purchasing, accounting, and printing for the Court of Justice.

A judicial personnel office was activated in May 1976 with the employment of a personnel officer and support staff who were in charge of payroll and personnel records systems. By November 1977, approximately 1000 new jobs in the court system were established, classified, and filled, particularly those of circuit clerks and deputy clerk positions. A comprehensive set of personnel rules was prepared which closely followed those of the executive branch but were modified in the areas of testing, selection appointment, and grievance procedures to better accommodate the needs and statutes applying to the judiciary.

During 1976-77, a departamental personnel records system was standardized, an affirmative action plan prepared, and positions of circuit judges' secretaries were classified and allocated to a proper pay grade. By 1979, a semi-monthly payroll system was established, converting from the previous monthly payroll system, and a Court of Justice Employee Grievance and Appeals Committee was appointed. By 1982, the Court of Justice had 2,122 full time employees.

The Personnel Section now provides the administrative, accounting and clerical services necessary to maintain a work force of approximately 2,200 judicial and non-judicial personnel. Included in the 120 county systems are justices and judges, trial commissioners, circuit clerks, pretrial release officers, secretaries, official court reporters, trial court administrators, law clerks and the central staff of the Administrative Office of the Courts.

In addition to paycheck preparation and distribution, the personnel section processes workers' compensation claims, assists in recruitment and selection of personnel, evaluates the classification and compensation system, and resolves employee grievances before they reach the formal committee stage. The **Personnel Policies and Procedures Manual** governing non-judicial employees is distributed to all employees.

The efficient management of human resources has become an increasingly critical factor because of severe revenue shortages in the Commonwealth of Kentucky. An automated personnel system has been extremely beneficial in meeting the responsibilities assigned to the Personnel Section. The payroll unit now has the on-line

PERSONNEL DATA
FY 1985-86

Personnel Type	Total Number of Personnel Statewide
Judicial	235
Circuit Clerks	120
Deputy Clerks	1105
AOC	78
Pretrial Services	170
Other Non-Judicial (Court Reporters; Secretaries; Trial Commissioners; Equipment Repair and Forms Printing; Law Clerks; Staff Attorneys; Court Administrators; Jefferson County Data Processing; and Fayette County Data Processing; Maintenance and Security Staff)	487
TOTAL FULL-TIME EQUIVALENT EMPLOYEES	2195

capability to directly enter data into the states' automated payroll system, saving time and paper work.

In the area of Accounting and Purchasing, a massive inventory of furnishings and equipment in judges', clerks', and pretrial offices in 120 counties was undertaken in 1978. All state-owned equipment was tagged or verified. All equipment being used by the Court of Justice but not owned by it was listed by item and condition, then computerized. While higher volume offices leased copiers, 25 photocopy machines were purchased for those counties making fewer than 1000 copies per month. Postage scales were purchased for all clerks' offices, and postage meters and mailing machines were provided for offices with larger mailing volumes. A perpetual inventory system for forms, supplies, furniture and equipment was put into effect in 1978 and a central forms warehouse was reorganized and permantly staffed.

The Administrative Office of the Courts also established a minimum store of commonly used supplies and a central supply of furniture and equipment. In order to expedite the court system's printing requirements on a timely basis, a quick copy center for the Court was established by late 1979. The print shop has since gone beyond quick copy to a fully equipped facility with the capability of handling all the printing needs of the court system. The travel reimbursement method for Court of Justice employees was changed in 1979 from a per diem allowance to an actual expense reimbursement. By 1980, the processing of requistions for office supplies and forms was computerized.

Today, the Accounting/Purchasing Section receives and approves all expenditures for the Court of Justice, reconciles statements of account on a monthly basis, and provides a unified purchasing system to secure goods and services for offices of the court system throughout the state.

FACILITIES/OPERATIONS

The Facilities Management Section was originally established to secure court space during the implementation stages of the judicial amendment in 1976. During the first six months of the new court system's operation, facilities were utilized in the individual counties under the guidelines set by the 1977 Special Session of the General Assembly. The majority of space occupied by the Court of Justice in courthouses and city facilities was used "rent free." The money appropriated for facilities by the legislature in the amount of $1,150,000 was allocated to local units of government for additional space to be used for court functions prior to 1978 and for newly renovated space.

The 1978 General Assembly enacted legislation completely restructuring the framework for compensating local governmental units for the Court's use of their properties, basing payments on actual costs incurred. These costs were to be computed on a bifurcated method: "use allowance" which considers capital costs on a historical basis, and "operating costs allowance" which takes operating expenses into account on a current annual basis. The legislature also established a Court Facilities Standards Committee to review and approve capital expenditures in which the Court of Justice participates. The committee is comprised of representatives of the executive, legislative, and

judicial branches, local government officials, and AOC staff.

County courthouses are the primary source of space used by the Court of Justice for courtrooms, judges' chambers and circuit clerks' offices. When facilities are not available in county or city owned buildings, space is acquired in the private sector through a competitive bid process. Reimbursement for the use of court facilities is funded by a special appropriation from the General Assembly.

The Facilities staff is responsible for space utilization and design of court occupied space. In addition, they work with county officials on new construction, renovation projects and operational repairs.

During Fiscal Year 1985-1986 additional facilities were acquired in Johnson County in the newly constructed courthouse annex. In Madison County, additional space was provided after renovations of a county building into a courthouse annex.

Several counties participated in major renovation and/or repair projects throughout the year. Elevators were installed in courthouses in Campbell, Christian, Hardin, Marion, Shelby and Taylor Counties. Renovations of court related space took place in Barren, Bath, Casey, Christian, Clinton, Grayson, Green, Hickman, Jefferson, Marion, McCracken, and Todd Counties. Heating and air conditioning systems were revised in Boyle, Campbell, Casey, Cumberland, Grant, Hancock, Hardin and Montgomery Counties. Other projects consisting of dome repairs, window replacement, handicap ramps and restrooms, outside painting and roofing work were done in Boyle, Campbell, Clark, Franklin, Green Kenton, Muhlenberg, Shelby, Washington, and Wolfe Counties. Asbestos removal was conducted in Hardin County.

Facilities management responsibilities have been expanded over the years to include supervision of an Operations Center. The center consists of (1) a fully equipped print shop with the capability of handling all the printing needs of the court system; (2) a receiving and shipping center which makes daily shipments of supplies and forms to 460 court offices throughout the Commonwealth; (3) a center for receiving, warehousing, and distributing furniture and equipment, and transport as necessary; and (4) a maintenance and repair shop to provide service and maintain mechanical and electronic equipment including court recording equipment. There are three shops (located in Frankfort, London, and Madisonville) that service the equipment in use throughout the state; (5) a tape system for making cassette tapes used with court recording equipment, and for duplicating tapes as needed; (6) consultation and coordination of video equipment installation in courtrooms and (7) installation and repair of telephone systems in court offices.

FIELD SERVICES

A duty assigned to the Administrative Office of the Courts by Section 110(5)(b) of the Kentucky Constitution is to regulate accounting and records practices and procedures of the state's courts. This is the responsibility of the Field Services Unit.

In the earliest stages of implementing the unified court system, legislation was enacted to give the Court of Justice authority to develop and implement a comprehensive records management program. The first objective in the implementation of a uniform recordkeeping system was for field representatives to identify and collect all forms used by various courts and court offices throughout the state. Field representatives discovered over 500 forms, varying in degree of usefulness, employed around the state. With the establishment of a uniform recordkeeping system, the Administrative Office of the Courts was able to standardize forms and reduce their number considerably, from 500 to approximately 80 in 1976-77.

Workshops and field visitations were conducted to acquaint circuit clerks and their deputies with the new forms and wordkeeping system. The **Circuit Clerks' Manual**, published in 1977, included sample forms and covered duties related to litigation filed in circuit and district courts, accounting procedures, personnel matters, records retention, purchasing, statistics collection, and electronic record making in district court. The manual is continually revised to accommodate new legislation and procedures.

The Administrative Office of the Courts developed a court records retention and disposal schedule in 1979 identifying minimum time for retention and a method of destruction. The physical maintenance of court records was a major problem for most counties at that time. The Kentucky Department of Library and Archives opened a new record center in 1979 and a joint effort between that agency and the AOC resulted in the transfer of some 10,000 cubic feet of case files from 21 counties.

In 1977, the AOC entered into a contract after competitive bidding with a national accounting firm, Arthur Young and Company, for the purpose of designing a modern and efficient uniform accounting system. The project resulted in the development of the **Circuit Court Clerks' Accounting Manual** and a pilot field test in Boyle County of the newly designed procedures using facsimiles of all proposed forms. The test included processing daily receipts, daily disbursements, adjusting entries, daily closings, monthly closings, and financial reporting. Thereafter, regional instructional meetings were conducted to familiarize the circuit clerks and deputies with the newly adopted uniform accounting system, installed in 1978. Eventually, equipment for a one-write system of disbursement accounting and electronic cash registers were installed in clerks' offices.

Today, Field Services, divided into clerks services and accounting services representatives, continues to provide on-site emergency assistance to circuit clerks upon request and/or to work with circuit clerks on specific problems. Field Services provides daily telephone assistance to all circuit clerks and deputies, provides records and fiscal management support and reviews every six months the forms needs of the the Court of Justice, and revision requirements of the **Circuit Clerks' Manual** and the **Circuit Clerks' Accounting Manual** to insure that they accurately reflect the duties and procedures of the clerks. Additionally, Field Services prepares appropriate educational programs for court related conferences.

Representatives of clerk services make periodic visits to circuit and district courts to discuss with the clerk and deputies procedures and improvements in office operational efficiency. The clerk services field representatives provide temporary staffing in emergency situations to replace clerks or deputies when illness or other unscheduled absences

occur. When major changes in office management or facilities occur, clerks services field representatives will assist at the request of the clerk or judge. Clerks services staff also prepare records for transfer to the State Library and Archives, and assist in records destruction according to the Records Retention Schedule prepared by the AOC and approved by the state archivist and Chief Justice.

Accounting services personnel provide fiscal assistance to the courts, the largest area of which is in accounting for monies in the custody of the circuit clerks. In FY 1985-86, the circuit clerks paid into the Kentucky Treasury $51,856,724, representing General Fund and other agency receipts collected by the clerk. In addition, the clerks collected and accounted for third party monies such as bail bonds, restitution, library and county jail fees. The clerk is also the custodian of the Jury and Witness Imprest Funds. Since 1978, a total of $349,565,107 has been collected in state monies.

Accounting services has the responsibility of implementing and updating the uniform accounting system used by the clerks, and continually revising the **Uniform Accounting Manual**. They monitor internal control procedures to insure proper accounting of funds, making periodic routine visits to clerks' offices to provide on-site assistance for specific problems as requested by a clerk or judge. Accounting services review montly financial reports prepared by the clerks and provide temporary staffing in emergency situations. Court of Justice accounting forms are reviewed and revised by the accounting services representatives who conduct periodic on-site training, regional workshops and intensive one-week training sessions on bookkeeping procedures. Accounting services staff also work closely with state auditors during their periodic audits. Court accounting services staff are available at the exit conferences to assist state auditors in resolving audit findings.

The majority of clerks' offices use NOW accounts which decrease the number of bank accounts for an office from six accounts to one. In addition, efforts are being made to bring the accounting area into the computer age through the use of personal computers in several test counties. The personal computers are capable of generating receipts, checks, and all daily and monthly totals.

STATE LAW LIBRARY

The State Law Library is a professional research library. It has a small staff and is funded by the General Assembly as a support service for the Court of Justice. It is not a public library in the sense of a library that renders library services to the public; for these reasons the State Law Library does not provide more than directional reference service to persons who are not members of, or employed by, the Court of Justice.

The State Law Library keeps the law-book collections of the justices and judges of the Court of Justice up-to-date, and furnishes them newly-published law books if funds are available. The Law Library works with the county and other publicly-funded law libraries by rendering assistance upon request; however, state funds are not used for this purpose.

The 1976 State Law Library staff consisted of four persons who worked less than full-time; in order to perform the services needed by the Court of Justice under the Judicial Article, the staff grew to nine full-time persons. Additional offices and shelving space were provided. The total law-book responsibility of the State Law Library in the capitol, the various judicial offices in the state, and the county law libraries is estimated now to encompass 170,000 volumes.

The State Law Library in 1976 began equipping 15 law-book collections for the judges of

the new Court of Appeals in their respective districts and in Frankfort. The Law Library later furnished statutes, reports of cases, court rules, and other law books to circuit and district court judges. At this time, a professional catalog librarian was added to the State Law Library staff.

During the following year, the State Law Library sold $30,000 worth of surplus law books to help finance a complete collection of non Kentucky state statutes, digests, and citators, and to increase the law review and bar journal collection.

The State Law Library acquired the use of Lexis computer-assisted legal research in 1978. A judicial staff attorney and secretary, funded by a federal grant, were added to the personnel complement.

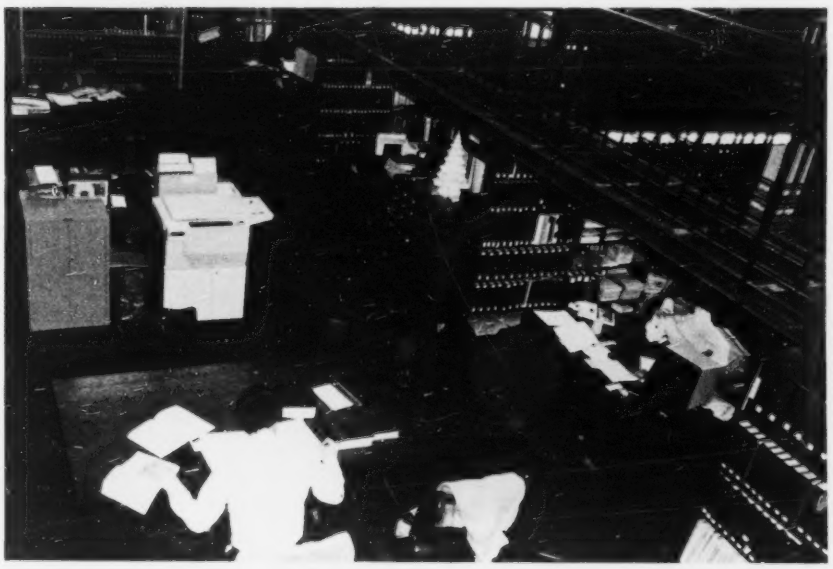
During the next years, 1979-1980, ***Guide to Kentucky Legal Research*** was published and judges and a capitol-basement storage room was remodeled into a library stack area and reading room. Additionally, continuing, current-legal-information updates were initiated for judges who requested the service.

In 1981, the judicial staff attorney and secretary, formerly funded by a federal grant, were included in the regular state budget and a second judicial staff attorney was added. Several counties began supplementing their county law library fees with taxed attorney's fees assigned to them by the attorneys.

Because of state-budget limitations, in 1983, part-time law-student assistance was substituted for one judicial staff attorney. Also, ***Index to Kentucky Legal History*** was published and the State Law Library book collection was virtually all cataloged and classified.

In 1984, a 14-meeting, college-level legal-research course was accomplished by senior staff members. ***Index to Articles Concerning Kentuckians in Reports of Cases 1754-1984*** was compiled and special efforts were begun to solicit gifts for the State Law Library with an annual honor roll of donors initiated.

More recently, in 1985 a second section of the legal-research course for other senior staff members was accomplished. Also, ***Guide to Kentucky Legal Research 2d*** was published to the justices and judges.



Activities of the State Law Library during fiscal year 1985-1986 included readers' services which were as follows:

Number of Readers	5,507
Items Circulated	2,569
Reference Inquiries	1,333
Copies Made for Patrons	5,698

A judicial staff attorney, with

the assistance of other members of the State Law Library staff, provides professional legal-research assistance to justices and judges who request it. This involves, among other things, the use of printed materials and Lexis computer-assisted legal research to which the justices and judges do not otherwise have access. A summary of the judicial staff attorney's activities for Fiscal Year 1985-1986 follows:

Number of inquiries received	178
Number of such inquiries from previous users of the services	161
Number of written responses	70
Number of unwritten responses	97
Number of pages of copied law library material furnished	4,259

The State Law Library produced the following additions to the legal literature of Kentucky:

Completed the editorial work, publication, and binding of **Guide to Kentucky Legal Research 2d**, 1985; and **Index to Portraits and Biographical Sketches of Members Kentucky State Bar Association 1967.**

In order to furnish the bench, bar, and others with timely information concerning current court decisions and legal literature, the State Law Library prepares regular bibliographic features for **Accent on Courts**, which consist of columns concerning the state-court facets of recent federal cases, abstracts of memoranda written for justices and judges by the staff attorney, and summaries of Kentucky reports of cases.

The State Law Library is the central collection of legal literature for the state government. It is available for use by public officials and their staffs, state employees, attorneys, and citizens.

Three members of the State Law Library staff and the Legislative Research Commission librarian participated in the second section of a college-level-equivalent legal-research course offered for continuing staff education by the State Law Librarian, consisting of 14 biweekly meetings and 11 complex library problems.

The State Law Librarian and the Judicial Staff Attorney attended various judicial education programs.

The activities of the General Assembly and its committees were observed and recorded for the purpose of keeping the judiciary informed of them.

The activities of the State Law Library have expanded greatly under the Judicial Article. Law books, copies of material in the State Law Library, staff attorney assistance, telephone consultations are furnished daily by the State Law Library attorneys, librarians, and administrative personnel to the 235 justices and judges and their staff assistants.

PRETRIAL SERVICES

The Kentucky Pretrial Services Agency was created in June 1976 to assist the state's trial courts in reaching knowledgeable decisions relating to the release from custody of persons awaiting trial. Kentucky was the first, and still the only state in the nation to statutorily abolish the practice of bail bonding for profit. The design of the Kentucky program was primarily influenced by programs in Washington, D.C. and Philadelphia, and the highly successful local pretrial project which had operated in Lexington for the previous four years.

During the development and implementation stages of the program, there were those who believed Pretrial Services would not succeed because the concept had never been applied on a statewide basis and differences between urban and rural areas, complicated by regional differences, would make the program unresponsive to foreseeable problems. Additionally, there was concern that no one would return to court if a bondsman was not there to return the defendant after a failure to appear. Ten years later, Kentucky's Pretrial Services Program is nationally recognized as a leader in pretrial reform.

Pretrial Officer Barbara Meiners (center) monitors court for District Judge Kevin Delahanty at the Jefferson Hall of Justice in Louisville.

In developing the pretrial release system that would evolve into the present day process, much research and an appreciation for the diversity of the state had to be considered. In order for a unified, statewide system to function, certain aspects of each office would have to remain constant, such as contacting the defendant within a reasonable amount of time after detention, not to exceed twelve hours. Also, the interview opportunity had to be offered to as many defendants as possible, local ties to the community must be measured and verified, criminal histories collected, the defendant's appearance in court monitored, and all of the information reported. With these factors constant, local offices were able to adapt to the particular needs of the local jurisdictions. This system of constants, when adopted to the local situations, appeared to address the legislative intent of the statewide program. A statewide system was developed to serve urban and rural needs in the north, south, east, and west without becoming a cumbersome monolith.

With standards established, Pretrial Services carried across the state a core of information that judges could use to make informed decisions relating to bail. The decision to release or detain would be made by the judicial officer of that district, accountable to community standards.

Our primary purpose, to collect substantial information on defendants, did meet difficulties

in the area of criminal histories. These records were often maintained by individual law enforcement agencies across the state. Without central records, it was difficult to track a person from city to city, as well as across county lines. In 1978, with the inception of the district courts, each pretrial office began to accumulate, by hand, data from the district and circuit court closing cards. On a county by county basis, all across the state, the information was continually updated. Our agency, out of a crucial need for information, amassed a criminal history system that encompassed all 120 counties dating from 1978. Today, this information is being prepared, by the pretrial officer in each district, for entry into an electronic file. This will provide the most comprehensive criminal history system, including dates, charges, and dispositions, of a particular defendant's record across the state. Although it will be a tedious and time-consuming process, the importance of developing such a system is recognized by all parties concerned.

Over the last 10 years, Pretrial Services Agency has continued to increase assistance offered to defendants in the Commonwealth who were arrested and placed in custody. In the implementation years of 1976-77, only 31 percent of those arrested were interviewed, (Table I). In Fiscal Year 1985-86, Pretrial Services interviewed 78 percent of all defendants arrested. Of those defendants who were found to be eligible for program consideration, the judiciary released 73 percent through the agency. Forty-eight percent of all defendants arrested without posting a money bond.

Since many individuals are released through the program, much of the work a pretrial officer completes is in screening individuals for court appearances. Extra effort is applied to ensure the return to the system of those individuals that do fail to appear.

Attempts are made to contact the defendant, their families, and friends. Many will return to court on their own as a result of this process. For those that remain in a fugitive status, the information can be used by law enforcement officers to return the defendant to custody. Of the 62,840 released through the program only 4.1 percent failed to appear and only 3.4 percent remained in fugitive status at the end of this reporting period. Program release defendants made 125,790 scheduled court appearances and failed to make 3,705, generating a court appearance based FTA rate of 2.9 percent.

Diversion

Pretrial Services has provided misdemeanor diversion services in the Northern section of the Commonwealth encompassing Kenton, Campbell and Boone counties since 1979.

Diversion offers the trial judge a unique alternative in dealing with the misdemeanor offender that has benefitted both the defendant and the community. Community services restitution emphasis in the diversion program has provided individual talents for community service.

Conditions of diversion include restitution, voluntary community work, charitable contributions, submission to medical or psychological treatment and no further criminal activity.

Diversion officers screen pretrial interviews for presentation to the judge and prosecutor for acceptance into the program. If the defendant meets all the conditions of his/her contract then the charges are dismissed. In fiscal year 1985-86, the diversion program successfully diverted 79 percent of those defendants eligible for the program.

Citizen Dispute Mediation

Pretrial Services provides mediation services to five counties in the commonwealth: Kenton, Campbell, Boone, Jefferson and Fayette. These counties are the largest urban centers in the state. Since 1978, this program has offered the district courts a voluntary forum

in which disputants can elect to mediate their differences in lieu of the normal criminal warrant process. They identify the source of long-standing problems and work together to build a lon-range, mutually agreeable resolution. The program is designed primarily to resolve neighborhood, domestic and other forms of interpersonal disputes.

Intake officers in each county offer procedural information to citizens attempting to file criminal complaints, identify cases which are appropriate for mediation, and schedule hearings.

Hearing officers are trained to assist parties in reaching a common understanding of their problems and a mutally agreed upon resolution to the conflict.

Although participation in mediation is voluntary many people believe that their problem can best be solved through mediation rather than the formal court process. During fiscal year 1985-86, 18,132 persons chose mediation or some other method to resolve their problems rather than the district court process.

Local Citizen Review Boards

Since 1982, Pretrial Services has been actively promoting the importance of permanency planning to minimize the length of time children spend in foster care. The major focus of this effort was the establishment of foster care review boards under permissive legislation. In July 1985, the Kentucky General Assembly altered the permissive legislation to mandate the development of foster care review boards in each judicial district. The same legislation created the first budget for review boards which allowed for employment of a three-person staff to work specifically with the program.

The effective date for this new legislation was November 1985. As staff were employed, the process of developing training and related materials began. In January 1986, a presentation at the District Judges' College announced the new legislation and outlined the implementation and training process. The decision was made to train new boards one at a time to ensure quality and to minimize the confusion which can accompany massive training sessions.

In late February, implementation began in the western Kentucky counties of Trigg, Lyon and Livingston. By the end of FY 85-86, 52 foster care review boards were trained and operating in 32 of Kentucky's 58 Judicial Districts. The training is scheduled to continue until each Judicial District is served by at least one foster care review board.

In addition to foster care review boards the staff has assisted in the development of Court Appointed Special Advocate Programs in Jefferson and Nelson Counties.

PRETRIAL SERVICES

Annual Statistical Report

July 1, 1985 - June 30, 1986

I. Number of defendants Arrested and Placed in Custody Eligible for Pretrial Interview:	174,159
A. Number of defendants refusing pretrial interview	10,448
B. Number of defendants interviewed	135,537
C. Number of defendants eligible for program release	87,740
D. Number of eligible defendants presented to the judiciary	85,242
E. Number of scheduled court appearances for program releases	125,790
F. Number of program releases revoked	850
G. Number of program relcases which were rearrested pending trial	3273
H. Number of indigency affidavits collected by the agency	10,534
I. Number of 24-hour reviews processed	34,683
1. Number of bonds reduced	12,459
2. Number of bonds additional releases	10,513
II. Type of Release for All Defendants:	
A. Number of defendants released on program ROR	43,800
B. Number of defendants released uniform schedule of bail (USB)	12,177
C. Number of defendants released on program non financial conditions (NFC)	6,863
D. Number of defendants released on judicial ROR, USB, or NFC	20,506
E. Number of defendants released on 10% bonds	19,646
F. Number of defendants released on Full Cash Bond, Property Bond or Guaranteed Arrest Bond Certificate	25,966
Number of defendants released on Performance Bonds	866
H. Number of defendants not released prior to disposition of their case	44,335
TOTAL SECTION II	174,159

FTA REPORT

I. Total Program Release FTA's	3,655
A. Those who voluntarily surrendered	956
B. Those who were rearrested by State Police	76
C. Those who were rearrested by other police departments	321
D. Those who were still at large at the end of the montly period	2,198
E. Those who were rearrested under other circumstances	104
II. FTA rate by defendant	.041
III. FTA rate by court appearance	.029
IV. Fugitive rate	.034
V. Rearrest rate	.052

TABLE I

Interview Activity

Fiscal Year	Persons Arrested	Percent	Interviewed
1976-77	194,785	31	60,462
1977-78	197,518	40	79,344
1978-79	209,373	50	104,730
1979-80	218,238	48	105,646
1980-81	207,097	53	109,024
1981-82	195,885	59	115,221
1982-83	186,186	71	131,564
1983-84	184,453	74	135,595
1984-85	171,927	75	129,607
1985-86	174,159	78	135,537

KENTUCKY PRETRIAL SERVICES AGENCY

Mediation Monthly Statistical Report

Month/Year: July 1985 - July 1986

TOTAL ACTIONS RECEIVED DURING THE YEAR	32,096
HOW WERE ACTIONS PROCESSED?	
A. Warrants or Summons	18,132
B. Mediation	10,974
C. No Program Action	2,944
TOTAL NUMBER OF COMMUNITY RESOURCE REFERRALS	1,717
TOTAL NUMBER OF DOMESTIC VIOLENCE COMPLAINTS	3,104
A. Spouse Abuse Warrants	1,105
B. Spouse Abuse Mediation	577
C. Other Abuse Warrants	1,073
D. Other Abuse Mediation	347
TOTAL NUMBER OF MEDIATION HEARINGS SCHEDULED	11,302
A. Complainant Cancelled or Did Not Show	3,293
B. Respondent Did Not Show, Referred for Other Action	1,334
C. Mediation Hearing Held	6,448
1. Settlement Reached	5,427
TOTAL 60 DAY CALL BACKS	3,138
A. Agreement Successful	2,259
B. Agreement Unsuccessful	184
C. Unable to Contact Complainant	639

DIVERSION REPORT

1. Number of Diversion Reports Prepared	2,113
A. Number of clients diverted	1,269
B. Number of Judicial Rejections	564
C. Number of Client Rejections	203
2. Number of contracts completed during month	1,079
3. Number of contracts unsuccessful during month	272
A. Terminated by request of client	20
B. Non Compliance	237
1. Rearrest	44
2. Failure to maintain treatment	53
3. Failure to complete volunteer work	59
4. Failure to maintain contract with Diversion officer	81

THE BUDGET PROCESS

The annual budget for the Court of Justice is a program budget for each level of court and function, including the estimated cost of personnel, operating expenses and equipment for each of the programs and the quarterly allotments for operating expenses for the 120 circuit clerks' offices. The budget staff has the continual responsibility of monitoring the program budget during the fiscal year and the preparation of a monthly analysis of the status of each budget unit. The coordination of all court telecommunications was an added function of the budget unit in FY 1985-86.

The AOC budget staff has prepared biennial budget requests for six regular legislative sessions, beginning with the 1976 session. The 1976 Regular Session of the General Assembly appropriated $18 million for the support of the Supreme Court, Court of Appeals, Administrative Office of the Courts, and the circuit judges. In December, the 1976 Extraordinary Session appropriated approximately $12 million for the implementation of the district courts and the inclusion of circuit clerks in the state system in January 1978. The provisions to reimburse local governments for use of court facilities were also addressed by the General Assembly in December 1976. The 1978-80

biennium was the first in which the district courts and circuit clerks' offices were fully operational and totally funded by state money. The two-year appropriation by the 1978 General Assembly was $78.9 million.

Before having a chance to stabilize, the judiciary was faced with the same budget crisis as was all of state government in the 1979-83 years when state revenues fell short of projections. The budget staff had the continuous responsibility to review and revise the budget to minimize the impact of funding reductions.

By nature, the budgetary function is an integral part of the administrative structure, and the staff is utilized accordingly. In the development and implementation years of 1976-78, the budget staff assisted in the development of internal management systems such as the accounting system, the personnel/budget system, facilities reimbursement, and equipment inventory. Through the years, management studies have been undertaken to address areas such as photocopiers, telephone systems, printing needs, equipment repair, and video in the courtroom. The level of staffing and the compensation of court employees are on-going budgetary issues.

It is anticipated that involvement in the upcoming years will be in the areas of implementation of the statewide court designated worker program and in the implementation of the long-range plan for automation of the courts through modern on-line data processing systems.

The primary activity of the budget staff during this fiscal year was the preparation of the Court of Justice 1986-88 biennial budget request for submission to the Legislative Branch. The process began in July 1985 when judges and circuit clerks were surveyed on their assessment of the court's needs. The responses were reviewed by the Supreme Court and incorporated into the budget request. The budget request document, submitted in the fall 1985, included estimates of the cost of the continuation of current services as well as the cost of new or expanded services covering the two fiscal years for which the legislature must appropriate funds. The next step in the budgetary process was the formal budget recommendation by the Chief Justice in January 1986. Items recommended for additional funding included improvements in the judicial retirement system, a salary equalization plan for non-elected employees, a cost-of-living adjustment for elected officials, Court of Appeals special appeals panels, five new district judgeships, pay equalization for district judges, data processing expansion, Court of Appeals settlement conferences, facility reimbursement to local governments, one circuit judgeship, circuit court law clerks and computerized legal research for the Court of Appeals.

During the 1986 General Assembly, the budget staff provided assistance to the Chief Justice and the director of AOC for legislative hearings regarding the Court of Justice budget. The staff also reviewed bills having a fiscal or programmatic impact on the judiciary and monitored legislative committee hearings.

The Court of Justice biennial budget of $147.4 million enacted by the legislature for FY 1986-88 was exceptional in that it not only provided full funding of current services but also funded many of the additional items recommended by the Chief Justice.

Funding was included to pay for medical and hospital insurance benefits for members of the Judicial Retirement System. Also, those members of the Judicial Retirement System whose retirement date was before June 30, 1980, will receive a one-time 5 percent increase in benefits.

The General Assembly included funds for a salary improvement plan for non-elected employees. This fund, aimed principally at deputy clerks, is designed to bring salaries in line with those in the Executive Branch. New minimum salary levels will be set

and some employees will be reclassified.

Judges and circuit clerks received a 5 percent annual salary adjustment. District judges will also receive a $750 annual salary increase in addition to the 5 percent increment. This annual pay adjustment for district judges is the first phase of a six-year plan to close the gap between the salaries of district and circuit judges. The plan envisions an approximate $4,000 gap between the salaries of each tier of the court system by fiscal year 1992.

The General Assembly addressed the heavy workload of the Court of Appeals. Funds for staff and operating costs for an additional Special Appeals Panel and Settlement Conference were included in the Judicial Budget.

The Data Processing program of the Administrative Office of the Courts will be expanded in the upcoming biennium. Word processing equipment for the circuit courts will begin to be provided in the upcoming biennium. Accounting systems and on-line inquiry for driver history files will be placed in some of the circuit clerks' offices. Also Westlaw, a computerized legal research program, will be available to members of the Supreme Court and Court of Appeals.

Fifteen additional law clerks to assist circuit judges with heavy caseload were included in the budget.

Two additional district judgeships were also created by the Legislature. Bullitt County and the Marshall/Calloway District will each receive a new judgeship.

Funds were also provided in the Judicial Budget for the Court Designated Worker program which is part of the new Juvenile Code.

Financing the Courts

In accordance with the Constitution of Kentucky, the Supreme Court, through the AOC, prepares annual budget estimates of state appropriations necessary for the operations of the Court of Justice. Since January 1978, the funding of the unified court system has been from state appropriation with all of the revenues collected by the courts being deposited into the State Treasury.

An overview of the budget for fiscal year 1985-86 is reported in the following material.

Budget for Fiscal Year 1985-86

The general fund budget for the support of the court system during FY 1985-86 was $62,487,800. A total of $54,278,900 was appropriated for court operation and administration, including personnel costs, operating expenses and capital outlay. The remaining $8,208,900 was appropriated to the local facilities fund for rental payments to local governments for courthouse facilities. Annual increments for non-elected employees were funded at 3 percent and salary adjustments for elected officials were provided at 3 percent. The funding in FY 85-86 included a pilot program of six law clerks in Fayette County. The 1985 Special Session of the General Assembly provided funds to AOC for establishment of foster care review boards.

The budget for FY 1985-86 is presented by program unit in TABLE A.

Collection of State Revenues

The 1976 General Assembly adopted a uniform filing fee, fine and court cost structure for the court system beginning in January 1978. All of these funds collected by the courts are deposited into the State Treasury. A total of $51,856,723 was collected during FY 1985-86 through the circuit clerks' offices, a breakdown of which is presented in TABLE B.

TABLE A

COURT OF JUSTICE BUDGET YEAR 1985-86

	General Fund	Federal & Agency Funds	Total Funds
Court Operations & Administration			
Supreme Court	$1,700,900		$1,700,900
Court of Appeals	2,690,600		2,690,600
Circuit Court	9,649,200		9,649,200
District Court	8,280,000		8,280,000
Circuit Clerks	24,319,900	95,200	24,415,100
AOC	2,937,000	2,000	2,939,000
Bds. & Comms.	87,600		87,600
Law Library	529,500		529,500
Pretrial Services	3,399,500	12,200	3,411,700
Capital Outlay	684,700		684,700
TOTALS	**$54,278,900**	**$109,400**	**$54,388,300**
Local Facilities Fund	8,208,900		8,208,900
TOTALS	**$62,487,800**	**$109,400**	**$62,597,200**

TABLE B

COLLECTIONS OF STATE REVENUES
CIRCUIT CLERKS' OFFICES
FISCAL 1985-86

	General Fund	Other Agencies	Total
Criminal/Traffic Fines & Cost	$27,597,959		$27,597,959
Drivers License	1,602,420	$4,490,731	6,093,151
Civil Filing Fees	5,996,801		5,996,801
Boat Registration	1,670,589		1,670,589
Interest Income	887,433		887,433
Forfeitures	504,089		504,089
Charges for Service	914,847		914,847
10% Bond: 10% Fees	267,813		267,813
Bond Filing Fees	475,511		475,511
Fish & Game Violations	51,851	77,776	129,627
D.U.I. Service Fees		2,957,957	2,957,957
Public Defender		148,913	148,913
Crime Victims		435,732	435,732
State Jail Fund		3,801,732	3,801,732
Over (Short)	(25,431)		(25,431)
TOTALS	**$39,943,882**	**$11,912,841**	**$51,856,723**

EDUCATION

The Division of Education was developed after the implementation of the judicial amendment in 1976. During the past ten years the Division has provided educational programs for district and circuit judges, circuit court clerks and other court support personnel. The programs provide an opportunity for court employees to maintain the highest degree of professional competence necessary to perform court-related services.

Fayette Circuit Judge N. Mitchell Meade, Supreme Court Counsel Susan Clary, Fayette District Judge Lewis Paisley and AOC Director Don Cetrulo field questions at a Judicial College.

In July 1983, the Kentucky Supreme Court established Mandatory Judicial Education. Supreme Court Rule 8 requires the 235 justices and judges to acquire a minimum of 30 hours continuing judicial education each biennium. During FY 1985-86 Education Services provided 85 hours of continuing judicial education credit. The rule provides a Mandatory Judicial Education Commission to supervise and administer the rule. FY 1985-86 members of the Commission were:

Justice Donald C. Wintersheimer, Chairman

Senator Charles W. Berger

Court of Appeals Judge J. William Howerton

Representative E. Louis Johnson

Dean William R. Jones

District Judge Thomas J. Knopf

Dean Barbara Lewis

Circuit Judge Charles R. Luker

Senator H. Edward O'Daniel, Jr.

Representative Dottie Priddy

District Judge Daniel A. Scheider

When the Division of Education was established in 1976, separate education committees were formed for circuit and district judges. The committees recommend topics and instructors for education programs and meet with AOC Education representatives when it is necessary to plan a seminar. FY 1985-86 committee members were:

Circuit Judges' Education Committee

Judge John T. Daughaday, Chairman

Judge J. David Francis

Judge Leonard L. Kopowski

Judge Phillip R. Morgan

Circuit Judge John T. Daughaday

District Judge Melvin K. Duke

Circuit Judge J. David Francis

Honorable John K. Hickey

Judge Olga S. Peers

Judge John W. Potter

District Judges' Education Committee

Judge Thomas Knopf, Chairman

Judge Michael Roney, Vice Chairman

Judge Pete Macdonald, President, District Judges' Association

Judge Robbie Dyche

Judge Edwin Rice

Judge Donald Smalley

Judge Judy West

In the past ten years, the education committees, along with the Education Services Staff, have developed annual colleges and specialty seminars. The specialty seminars have included matters on labor law, traffic, alcohol and drugs, juvenile programs and orientations for new judges. During the current fiscal year the Education Services Staff assisted the Chief Justice in coordinating the National Conference of Chief Justices and State Court Administrators and assisted the manager of Pretrial Services in hosting the National Association of Pretrial Services Conference. Both programs were held in Lexington.

This fiscal year's Circuit Judges' College was held at Lake Barkley State Park, September 22-26, 1985. Topics discussed during the college dealt with capital cases (pretrial matters, voir dire examination, competency of counsel, penalty, and report of the judge which is required in the dealth penalty), corrections update, domestic relations, comparative negligence and a Court of Justice update.

An orientation program for newly elected district judges was held December 9-13, 1985 in Frankfort. Staff from the Administrative Office of the Courts gave detailed information regarding services available through the administrative offices. Experienced district judges served as faculty in the following areas: criminal law, juvenile, judicial conduct, traffic court procedures, small claims, civil law, probate and mental health.

Lexington was the site for the District Judges' Annual College. The judges were brought up-to-date on the hearsay rule and instructed on evidence and contempt of court. Other areas of instruction included district court issues, comparative negligence, the new foster care review boards, misdemeanant probation, DUI issues, judicial retirement and removal commission, deferred compensation and search and seizure.

The circuit judges were involved in a Judicial Writing Program May 18-21, 1986. The program was held in Frankfort and consisted of small writing workshops instructed by college English professors. The main objective of this workshop was to help judges write opinions in as little time and with as few words as possible, using correct punctuation and sentence structure.

A specialty program pertaining to juvenile court was held for the district judges in Louisville, June 25-27, 1986. Judges participated in, or viewed, a mock trial regarding dependency issues. The judges also witnessed a mock judicial review of child in placement and listened to presentations on dispositional reviews, transfer hearings, relations with the executive branch service providers, and a review of legislation enacted by the 1986 session of the General Assembly.

Training for court-support personnel is not mandatory, but it is a high priority and is provided when funding permits. The circuit clerks have an education committee which meets to assist in planning for semi-annual conferences. The FY 1985-86 Circuit Clerks' Education Committee members were:

Jim Groves, Chairman

Arthur Walson, President of the Circuit Clerks' Association

Edith Cox

Jim Garthee

Carolyn Horn

John Kearns

Linda McClure

Dennis Patrick

Ned Tolle

Sally Watkins

Bobby Wilson

The circuit clerks met in Owensboro November 13-15, 1985. The program opened with a motivational presentation on how to deal with uncooperative people. Presentations updating the clerks on the most recent issues in driver licensing, driver examining, clerks' accounting receipts, **Clerks' Manual** revisions, deferred compensation, domestic violence and Polaroid cameras and films (used in the clerk's office) were provided. The clerks participated in workshops informing them of proposed legislation priorities, error of omissions, and liability insurance. The deputy clerks participated in a workshop presented by AOC Field Services representatives which answered deputies' questions on AOC issues and procedures. A presentation was delivered by Morton J. Holbrook, Esq., who was instrumental in establishing the Judicial Article ten years ago. Mr. Holbrook gave a history of where the unified court system began and where it is now on its Tenth Anniversary.

The circuit clerks met in Lexington June 11-13, 1986 for their summer conference. The program consisted of workshops for deputies on domestic violence issues, involuntary hospitalization and disability. Clerks and deputies participated in workshops dealing with procedures resulting from new legislation. The clerks also discussed the security of records policy. To motivate the clerks and deputies, a representative from Governmental Services did a presentation regarding methods of handling the ups and downs of everyday issues at work. Representatives from driver licensing, driver examining, Polaroid Corporation and the transplant program at the University of Kentucky were included in the program.

PUBLIC INFORMATION

Although the first **Annual Report** was published in 1976, and the first **Accent On Courts** newsletter and **Judicial Directory** were published in 1977, a Court of Justice Public Information Office was not established until 1979 when two staff members were designated as public information officers with responsibility for the above publications along with other related duties. Since that time, the **Annual Report**, which is published in compliance with KRS 27A.020 (8), was converted from a calendar year report to a fiscal year report in FY 1981-82. The newsletter published its first photograph in 1980, and changed from bi-monthly to quarterly publication in 1982. **Your Key to the Kentucky Courts**, a general information handout brochure printed in the thousands, and the **Kentucky Court of Justice** videotape are still in active use today, six years after their production in 1980.

Public Information has produced additional publications over the past years, including: **Become A Professional Before You Graduate**, a pretrial release services co-op recruitment brochure; **Mediation**, informational handout brochure on alternative dispute resolution; a Court of Justice teachers' manual; **Circuit Clerks' Directory**; and **You, The Jury**, a handbook for jury orientation produced in 1986.

Audio/visual productions

over the past decade, in addition to the **Kentucky Court of Justice** videotape, have included; **Jefferson County's Hall of Justice**, an employee orientation slide presentation for deputy clerks; **Bless the Beasts and the Children**, an orientation slide presentation for Foster Care Review Boards; **...And Justice for All**, a video/slide presentation on Kentucky's juvenile justice system produced in 1985; **You Have A Friend in the Courthouse**, an informational video/slide presentation on circuit clerks' responsibilities produced in 1986; and various videotape productions for use at judicial colleges.

In the area of law-related public education, the Court of Justice, along with the Kentucky Bar Association and the state Department of Education, implemented the annual Statewide High School Mock Trial Tournament in 1983 which initially involved only eight schools but has grown to 80 middle and high schools. In May 1986, Woodford County High School won the Mock Trial Championship title and represented Kentucky in the national competitions held in Phoenix, Arizona. The Court of Justice participated in and supported a law-related education Public/Private Conference with Eastern Kentucky University in 1985 for the purpose of linking public and private sectors in developing Kindergarten through grade 12 law-related educational instruction. Additionally, the Public Information Office has conducted workshops in recent years at judicial colleges, clerks' conferences, and orientations on the techniques of good media relations and effective classroom presentations.

Relations with the state's media have evolved over the past ten years from passive inquiry responses to active pursuit of media interest and mutual cooperation. In 1981, Rules of Civil Procedure (SCR 4.300, Canon 3A (7) were amended by the Supreme Court to allow individual judges to permit television and newspaper cameras in their courtrooms. Standards governing the use of electronic and still photography coverage of court proceedings were devised with the cooperation of media members, judges, and attorneys. The burden of compliance was placed on the media and with very few exceptions, those standards have been followed. Most courts throughout the state are routinely open to the electronic media with a minimum of administrative effort on the part of court officers. Also in 1981, a Bench/Bar/Media Conference, sponsored jointly by the Court of Justice, the Kentucky Bar Association, the Kentucky Press Association, and the Kentucky Broadcasters Association,

Chief Justices Norman Krivosha, Nebraska, (second from left), Robert Stephens, Kentucky, and Robert Nix, Pennsylvania, discuss the judicial system in a TV interview during the 1985 Chief Justices Conference in Lexington.

brought judges, attorneys, and media representatives together on topics of mutual interest. Similar seminars have been conducted at annual media association conferences since that time. A consortium of Court of Justice and media representatives, among others, conducted the 1986 First Amendment Congress, which provided a public forum to examine First Amendment issues particularly as they relate to freedom of the press and/or fair trial. In order to keep abreast of media coverage of the courts throughout the state, clipping services have been retained by the Public Information Office for several years.

Public Information issues news releases or arranges coverage for the state's print and electronic media on matters pertaining to policy and procedural changes, judicial education, Administrative Office of the Courts managerial appointments, statistical reports, special court events and activities, and court-related honors, achievements or recognition. During the past fiscal year, arrangements were made to provide increased news dissemination on Supreme Court activities, including information on court decisions of universal public interest and import. Fifty-eight news releases on court-related matters were issued during FY 1985-86.

In-house photography services for the Court of Justice have been provided since 1980. Photographs are incorporated into several publications, including the **Annual Report, Accent On Courts,** the **Judicial** and **Clerks' Directories**, brochures, and audio/visual productions. Photographs provided by Public Information have also appeared in state and national publications. In 1984, darkroom facilities were installed in the Bush Building to facilitate processing needs.

On a daily basis, Public Information responds by telephone or correspondence to information requests from the general public, state and national law-related agencies, research institutes, universities and students. Calligraphy and graphic design services are also functions performed by Public Information staff, along with speech writing, conference planning, and public speaking.

DATA PROCESSING

The Data Processing Section of AOC was established in May 1977 with the installation of Electronic Data Processing (EDP) hardware which facilitated development of five EDP systems. The EDP hardware system was connected to the state's central control computing center in a remote job entry-time sharing mode which provided a large amount of computing power at fractional cost.

The five EDP systems established during that early period were: an expenditure accounting system; an index of all cases involving the death penalty which are similar in nature to the circumstances contained in a control record; an equipment inventory system; a bail bond receipt system; and a statewide personnel reporting system.

In 1978, a Jefferson County citation and case information system was developed with the establishment of a complete remote job entry station in Louisville. Using IBM 3600 series hardware, a prepayable traffic fine system was also developed for Louisville. Lexington's remote job entry station was established in 1980.

These early systems have been modified and streamlined over the years, while additional systems have been made possible with installation of IBM Series I and IBM 4341, permitting the Data Processing Section to become basically independent of the state central control

computing center. Today the only connection with the state's central control is an on-line personnel system and the conversion of some case tapes into microfiche.

The data processing unit now serves as a support function to all areas of the court system, providing all computer - related services including planning, coordination, and system development and implementation. The scope of this function ranges from collection of all case filings and dispositions for district, circuit and appellate courts, to detailed expenditure reports of the judiciary's appropriation, to a comprehensive inventory system of the court's state-owned equipment in 120 counties. In addition to the systems which assist in management and administrative functions of the central office, the two largest metropolitan areas of Kentucky, Jefferson and Fayette Counties, have on-site data processing units to oversee case information systems.

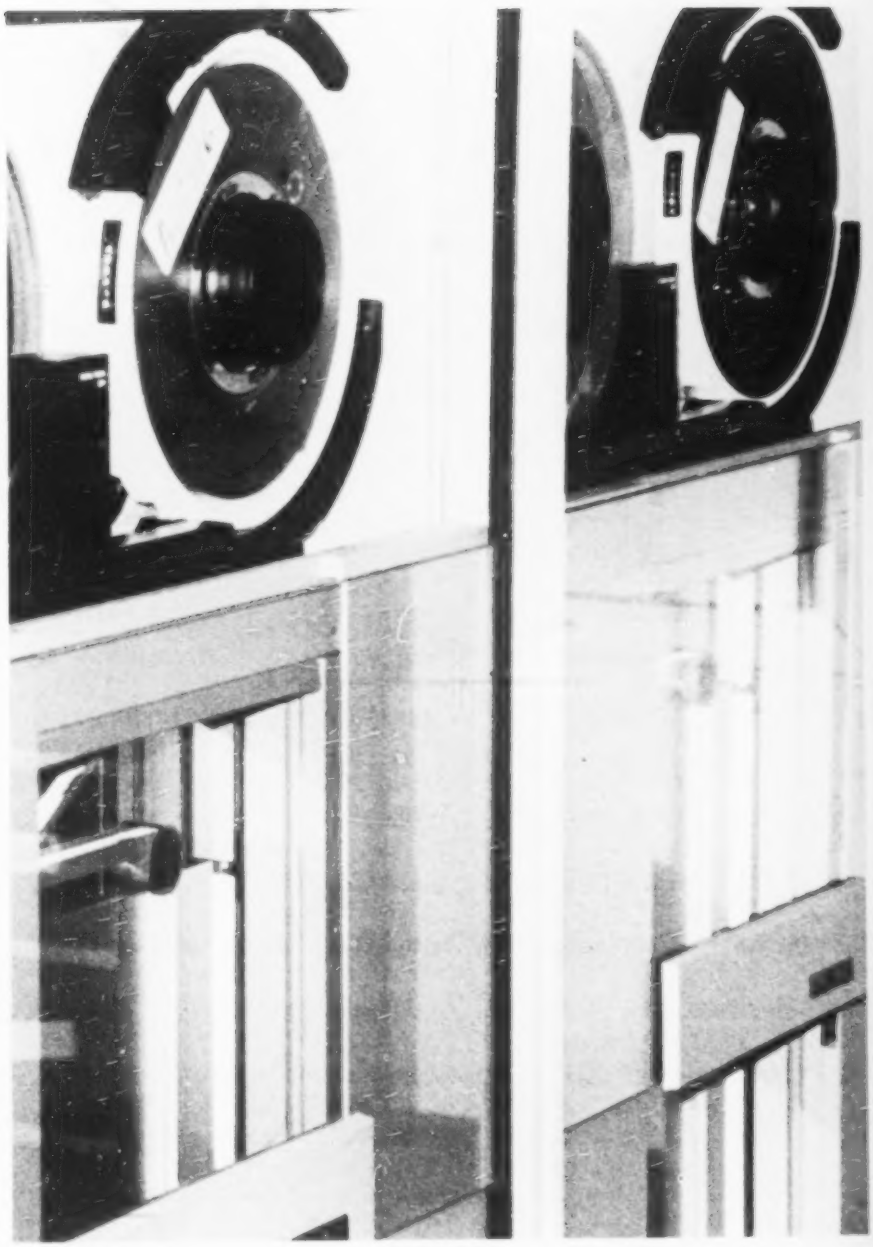
The staff maintains 22 data processing applications. The case information systems maintained in Jefferson and Fayette Counties produce daily dockets, case information, subpoenas, outstanding bench warrants, and other pertinent information. In both counties, the systems interface with the computers of law enforcement and court-related agencies. Case-load information systems for all circuit and district courts have the capability of producing reports on filings and dispositions statewide by county and district. The circuit court judicial statistics are more comprehensive than those of the district court, containing a pending file of all open cases. Management systems which are invaluable in the day-to-day operation include: a budget and expenditure analysis system which posts all financial accounts and provides information concerning the availability of funds; the personnel position control system which accounts for all filled and vacant positions and produces personnel listings in various sequences, annual increment listings, and budget projection reports; the payroll cost distribution system which distributes payroll and fringe benefit costs, and creates automatic budget adjustments and expense transactions; the forms/supplies inventory system which provides inventory balances and daily shipping orders and the equipment inventory system which files all state-owned equipment by location and item number; the facilities system which calculates total operating expenses, court operating expense, rental expense, space ratio, and normal use allowance.

Data processing applications in other areas of the judiciary include: the circuit clerks' accounting system which accounts for all receipts and disbursements and assists the

circuit clerk in bookkeeping; the Court of Appeals word-processing system; a case management system for the Supreme Court and the Court of Appeals which tracks cases as they proceed through the court, producing various management reports; the pretrial services statistical system; and the legislative bill tracking system.

During FY 1985-86, accounting systems were installed in five circuit clerk's offices. Enhancements to the accounting system included development of the ability of the bookkeeper to handle transactions from multiple locations, which was also re-designed to make the software table-driven so that additions, deletions, or changes in the fine amounts would not require the program to be rewritten.

Other activities during 1985-86 included completion of the on-line equipment inventory and equipment repair history system; completion of the case processing system for the Court of Appeals; and the installation of 27 word processing systems for circuit court. During this fiscal year an interactive DIS communications line was established between the DIS computer and the AOC computer which allows AOC terminal access to authorized DIS files, such as driver history records.



REGIONAL ADMINISTRATION

One of the constitutional duties of the court system's chief executive is the temporary assignment of any justice or judge to sit on another court when deemed necessary for the prompt disposition of causes. The Chief Justice may delegate this authority and has done so through the Regional Administration Program.

In order to develop the regional administration plan, a study was conducted in the spring of 1977 among Kentucky's circuit judges and circuit clerks directed toward collecting their opinions on the scope and function of the proposed project. Later that year, with approval of the Judicial Council and Supreme Court, two piolt regions - Eastern Region and Central Region - were designated and began operation under the regional administration charter, effective January 2, 1978. By Supreme Court order, the charter, among other things, delegated the Chief Justice's judicial transfer authority to the administrative judge within those two regions. A third region - the Southeastern Region - was created in July 1978.

With the success of the three piolt regions, the Administrative Office of the Courts prepared proposals for statewide expansion of the circuit court regional administration project. It was recommended originally that the state be divided into ten circuit court regions, excluding Fayette and Jefferson Counties. The Jefferson/Bullitt Region and Fayette Region were established in 1982.

In August 1978, a resolution was approved to establish three pilot district court regions. By February 1982, the district courts were organized for statewide regional administration.

As regional administration became increasingly operational, various projects within the

NUMBER OF ASSIGNMENTS
REGIONAL ADMINISTRATION PROGRAM
(From July 1, 1985 Until June 30, 1986)

	District Court		Circuit Court		Total Assignments
	Active	**Retired**	**Active**	**Retired**	
Purchase	66	1	67	45	179
Green River	60	3	96	3	162
Cumberland	13	2	75	6	96
Metro	31	17	57	19	124
Bluegrass	15	-0-	50	-0-	65
Northern	49	6	49	71	175
Mountain	42	-0-	188	37	267
Fayette	4	1	-0-	-0-	5
TOTALS	280	30	582	181	1,073

individual regions were developed including LEAA technical assistance in case flow management, facility needs, and court-community public information programs. The Kentucky Justice Information System was developed to unify and coordinate policies, techniques, and procedures in information systems between the courts and other governmental entities statewide, particularly in the area of data processing application for warrant information, and automated data processing support for refined traffic court case procedures.

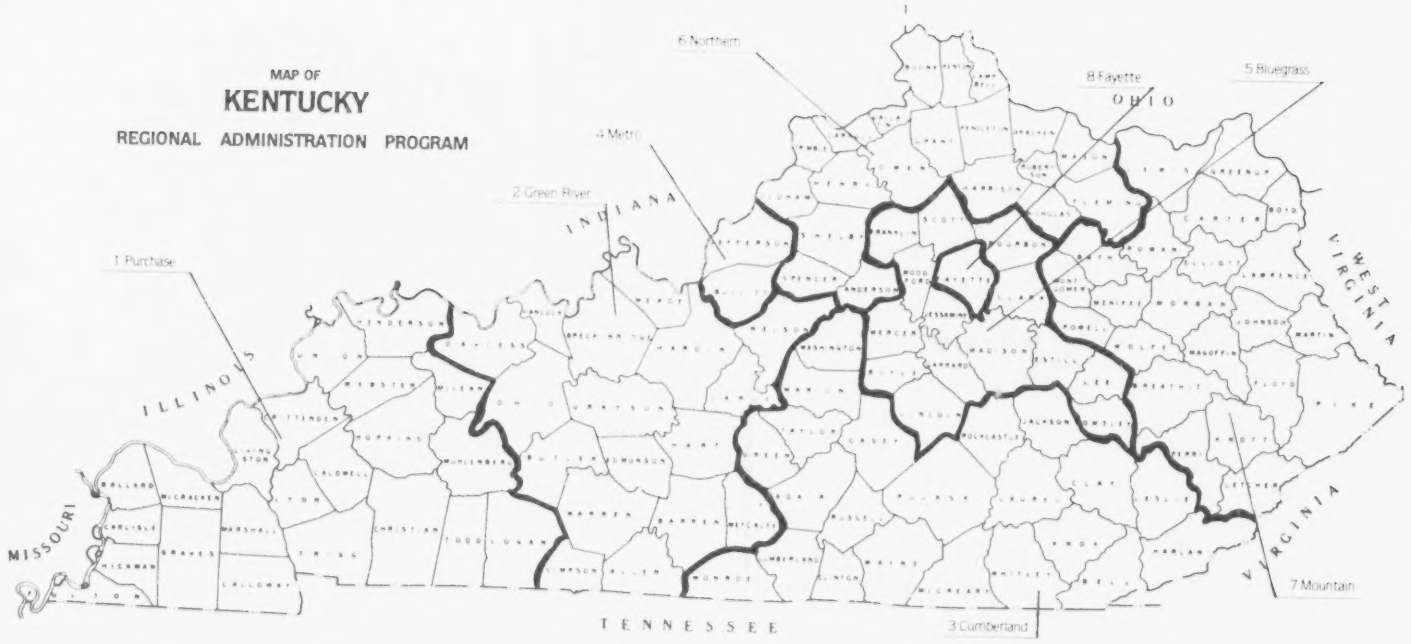
By the end of FY 1981-82, when the Regional Administration Program was first operational in all circuit and district courts, the total number of judicial assignments was only 548. At the end of this reporting period, total assignments were 1,073.

As the program has become increasingly active, there has been a need for some adjustments in regional outlines and nomenclature, as well as in some original charter specifications. Under the present Regional Administration charter, chief regional judges, both circuit and district, are appointed for two-year terms by the Chief Justice, thus providing the chief regional judges direct authority in exercising their duties which include: (1) to plan, coordinate and supervise the activities of the Regional Administration Program within the region; (2) to exercise the judicial assignment authority delegated by the Chief Justice; (3) to exercise the judicial assignment authority for appointment of retired judges who consent to appointment; (4) to exercise, in coordination with other chief regional judges, authority for assignment of judges from one region to another with the consent of the appropriate chief regional circuit or district judge; (5) to require each judge to reserve periods of time of such length and frequency as the chief regional judge deems appropriate to be available for assignment in other circuits; and (6) to call the docket of any circuit for the purpose of dismissing pending actions for failure to prosecute or reduce delay.

In addition, the charter now provides for the establishment of eight administrative regions.

Program goals in the charter are: (1) to expedite disposition of litigation in the regions through equalization of work among the judges; (2) to promote uniform procedures and practices within regions and throughout the state; and (3) to provide for prompt substitution where a judge is disqualified or where there is a temporary vacancy. The Regional Administration Program also reduces, though does not alleviate, the need for additional judgeships in areas of the state where caseloads are periodically heavier than normal.

The chart on this page indicates the number of assignments made in the regions for FY 1985-86.


MAP OF
KENTUCKY
REGIONAL ADMINISTRATION PROGRAM
1 Purchase
2 Green River
3 Cumberland
4 Metro
5 Bluegrass
6 Northern
7 Mountain
8 Fayette
ILLINOIS
INDIANA
OHIO
WEST VIRGINIA
VIRGINIA
TENNESSEE
MISSOURI

VIDEO COURT REPORTING

The Kentucky Court of Justice has led the nation in developing and implementing innovative technological advancements in video court reporting over the past few years. Although Ohio and Tennessee have also experimented with video recording systems, only Kentucky has successfully produced and implemented manual and automated video camera systems designed to record court proceedings.

The TV Monitor to the right allows Fayette Circuit Judge James Keller to monitor his courtroom while away. The camera above the judge allows for recording of in-chamber Conferences.

During FY 1984-85, Kentucky's Administrative Office of the Courts implemented a prototypical automated video court reporting system. While a manually controlled video recording system has been in full operation in Judge James Chenault's Madison circuit courtroom since late 1981, the new automated video system introduced in fiscal year 1984-85 in Judge Laurence Higgins' Jefferson circuit courtroom is computer operated, eliminating the need for additional court personnel.

The Jefferson County automated video system, designed jointly by Administrative Office of the Courts technicians and Jefferson Audio Visual Systems, includes four color cameras, and six microphones, which are placed about the courtroom to record the individual parties involved in court proceedings. One camera also provides an overview of the courtroom in addition to close-up shots.

A computer programmed sound mixer automatically and instantaneously switches the cameras from person to person in the courtroom to give close-ups of the judge, witness, and attorneys as individual microphones begin to transmit. The cameras and microphones are programmed to lock-in on an individual speaker, such as the judge, and will not switch to another speaker, such as an attorney, until the first has finished talking.

For example, if the judge is speaking, his or her microphone transmission will activate the camera best angled toward the bench to begin recording the judge. Should the judge stop speaking and the witness begin to speak, the camera recording the judge will shut off and the camera assigned to the witness stand will be voice-activated by microphone to begin recording the witness. Should the witness be speaking and one of the attorneys stand up and object to a statement, the camera will not switch from the witness unless he or she stops speaking. This function is intended to prohibit outside distractions from interrupting the recording of court proceedings, and prevents the cameras from needlessly

switching back and forth, providing for smoother playback.

A television monitor is placed on the judge's bench to allow him or her to keep track of the recording process. A 25 inch monitor is also located in the courtroom should it be necessary to play back a tape during the course of a trial. In addition, a camera, microphone and monitor are installed in the judge's chamber to allow recording of procedures within the chamber and monitoring of courtroom activities while the judge is away from the bench.

The average cost of the automated video camera system is $43,400 per courtroom and judicial chamber. By the end of FY 1985-86, there were eight courtrooms in Jefferson County and two courtrooms in Fayette County equipped with automated systems.

A recent evaluation of Kentucky's video recordation system, conducted by the National Center for State Courts, determined that video taping is the most advantageous means of court reporting both in terms of benefits and cost efficiency.

Among the benefits of video court reporting as cited by the National Center are:

Recording Accuracy. Video taping allows for complete verbatim recording of all court proceedings. Because the tapes can be used as transcripts in themselves, the possibility of omitting words or sentences through human incomprehension or other error is eliminated. The tapes also allow a viewer to experience the manner in which each participant conducted himself or herself in addition to hearing what was actually said. These are assets that a paper transcript cannot provide.

Reliability. Over the past four years of video recording trials in Madison Circuit Court, there has been only one minor breakdown of video equipment. Likewise, the Jefferson County system has remained trouble free since its installation in FY 1984-85.

Timeliness. Since video tapes can act as transcripts in themselves, they are available for immediate playback, avoiding the wait of a written transcript, which can sometimes take months to produce. Copies of the tapes can easily be provided to parties involved in a case.

The TV Monitor in Judge Keller's courtroom plays back a portion of a trial recorded earlier by automated cameras placed about the courtroom.

Unobtusiveness. Because the cameras are wall-mounted like those in a bank, and because the computer system is located outside of the courtroom, the automated video system is much less distracting or obtrusive than a court reporter.

Suitability for Education. Video tapes of court proceedings can be used to educate both public and law-related individuals through public forums, high

school and college classes and judicial and bar-sponsored seminars and programs.

The National Center's report also determined that video recording of trials provided the greatest possible results for the lowest possible cost. Although the initial cost of the automated camera system is around $43,400, it eliminates the need for an in-court machine operator, saving the court system salary and benefit expenses. In Kentucky, court reporters earn as much as $20-24,000 per year, including fringe benefits. Video systems that replace court reporters will pay for themselves in less than two years. The average annual maintenance cost for the video equipment is $1,200 which means substantial savings in comparison to $24,000 annually to retain a court reporter.

The Administrative Office of the Courts is not intent upon ridding the judicial system of all court reporters. As the number of court reporters is reduced through attrition, however, the financial savings can be reinvested into additional video recording systems. Eventually, judges throughout the state will have a choice between video or court reporters and it will be up to the discretion of each individual court to determine which alternative is most accommodating.

ECONOMICAL LITIGATION PROJECTS

Concerned about unnecessary delay and costs of civil litigation and about the public image of the courts, former Kentucky Supreme Court Chief Justice John S. Palmore requested assistance in early 1980 from the American Bar Association's Action Commission to Reduce Court Costs and Delay in addressing these problems. As a result of cooperation between the Action Commission, the Kentucky Administrative Office of the Courts, judges and attorneys, an Economical Litigation Project (ELP) was designed. This project is intended to reduce the costs and delay of civil litigation by reducing the total time from filing to disposition, limiting discovery, encouraging settlement, and emphasizing judicial management of the caseflow.

The Circuit Court of Campbell County, a two-judge, medium caseload, urban court was the first site to test this new concept. After determining that the special court rules of Campbell had a positive influence on case processing, ELP was expanded to two additional circuits. As of October 1, 1982, the 21st Circuit of Bath, Menifee, Montgomery and Rowan Counties applied slightly modified ELP rules to the civil docket. In November 1982, the 13th Division of the 30th Circuit came under the purview of ELP rules. While the 21st Circuit is a high "per judge" caseload court with the highest population and highest total caseload in the state, support staff for the project in the 21st Circuit is limited to the judge's secretary and the clerks in each of the four counties. In the 30th Circuit, a court administrator, bench clerk, and secretary are directly involved in monitoring and managing the caseflow of ELP cases. The contrast in the court environments and working conditions within these three jurisdictions was sought in order to better test the feasibility of transferring the ELP concept statewide. While the rules can undoubtedly be adopted with little trouble, the administration of the program and adherence to the spirit of the rules by the court requires management expertise and resources that all courts may not have available. In Fiscal Year 1984, an Administrative Office Task Force focused on how to transfer this project efficiently to other locations throughout the state. In Fiscal Year 1986, the expansion of this program or the use of time standards in some form has been under review by the Task Force on Delay Reduction, chaired by Justice Roy Vance.

Economical Litigation Project Rules

Each of the three courts now operate under the same Supreme Court Rules, i., Rules 89 through 97, adopted in September 1982. Under the rules, civil cases respecting contracts, personal injury, property damage and property rights are assigned to the ELP docket. Domestic relations cases which average 46% of these circuits' total caseload are not included.

Planning and scheduling conferences, limits on discovery, and specific time limits for major case events are the primary components of the special ELP rules. After discussion with the judges in Campbell County, members of the American Bar Association, and the two judges of the 21st and 30th Circuits, the rules first implemented in Campbell County in December 1980 were modified slightly and ordered into effect in all three courts in September 1982. The 1982 changes were not major; for example, the setting of a trial date was to be accomplished at the discovery conference rather than at the pretrial conference to better accommodate attorneys and the court calendars. Also added to the rules was the use of telephone conference calls for conferences or motions. Both rule modifications were incorporated to facilitate caseflow.

In addition, in Campbell County, the civil docket eligible for ELP was no longer split randomly in half. A procedure of random assignment had been followed in order to more scientifically evaluate the impact of rules. After September 1982, all eligible cases in all three courts were subject to the following rules.

1. A discovery conference is scheduled within 15 days of the filing of the last responsive pleading or the date that pleadings could have been filed under the regular rules of civil procedure. This conference, which includes the trial judge and all parties, is essentially designed to plan the course of discovery and discuss any special needs regarding the limits of discovery and case event time. A pretrial conference is scheduled within 60 days of the discovery conference and the trial date is set 30 days following the pretrial conference.

2. Despositions are permitted as a matter of right of parties only. The plaintiff is required to give his deposition prior to that of the defendant. This requirement gives the defendant the opportunity to examine the plaintiff regarding the merits of the case. Depositions of witnesses who will not appear at the trial may be granted under the provisions of the regular rules.

3. Interrogatories of any party are not to exceed 20 in number, each of which may contain only one question. Prompt exchange, access, and inspection of evidence are also required under these rules unless an objection is raised in which case the court may intervene.

4. An exchange of information including a list of witnesses, descriptions of evidence, and concise statements of the issues and facts is required to be submitted to all parties 50 days after the discovery conference or no later than 10 days prior to the pretrial conference. This rule is meant to supplement the limited discovery and promote the narrowing of issues, thus encouraging settlements.

5. At the pretrial conference, settlement may be discussed. However, the assumption is that once a case has reached this point, a trial will be held. Therefore, the pretrial conference serves to gain consensus on the issues and further prepare the case for trial.

6. The use of telephone conference calls for motions and conferences is available to the court and parties.

7. Continuances are limited by requiring good cause and notification of the client of the moving attorney.

The Case Management System

As can be seen, the special rules require planning and scheduling conferences, limits on depositions and interrogatories, and firm time limits on case events in order to encourage settlement and reduce costs and delay. The effectiveness of these rules depends on the quality of judicial management of the cases on the special docket.

The judges are responsible for communicating the substance and the spirit of the ELP rules to the practicing attorney and insuring the cooperation and compliance of these attorneys. The real task of the judges is establishing judicial control of a docket traditionally controlled by the attorneys. This task is accomplished by insisting that the special rules be adhered to from the first day of the life of a case until it's last day. Emphasis is placed on an early discovery conference and a firm trial date. There is little hesitation to call attorneys if a case is found to be severly lagging behind the targeted event dates.

It is not meant to imply that

in the above description that the rules are applied inflexibly. Realistically, the rules are applied discreetly and relief has been granted from the requirements of the rules when necessary.

Essential to effective management of the caseflow by the judges are the efforts of the staff in the project sites. As could be expected from the earlier description of these court environments, each court has handled the administrative responsibilities differently. The case management approach of each court is described briefly below.

17th Circuit-Campbell County.

The clerks have been responsible for assigning each ELP case a special case number, and color-coding the ELP case jackets and docket sheets. Other than these differences, the ELP cases have moved through the clerk's office as do all other civil cases. Initially, the responsibility for monitoring the status of the ELP cases, flagging cases not proceeding according to rule, and notifying attorneys and judges of delay rested on the court administrator. Specifically, the administrator contacted the parties upon lack of service of the complaint or lack of response to the complaint as well as notifying them or their discovery conference date. He regularly informed the two judges about cases which were off schedule. Detailed information on the activity in each ELP case was maintained manually on a log sheet developed by the administrator. This log sheet or chart was used for case tracking and for the compilation of statistical information on the program.

In January 1984, two major changes occurred. First, the administrative responsibilities were transferred to the clerk's office and second, all eligible civil cases were handled under the rules. To handle the monitoring and scheduling, the deputy clerk in charge established a tickler card file and eliminated the charting system. With all eligible cases going under the rules, the random assignment procedure under which cases were assigned during the first two and one-half years was dropped but the special numbering was maintained for identification purposes. These changes facilitated the case scheduling process. Having been the focus of extensive evaluations by the American Bar Association, the need to provide statistical summaries on case processing has lessened so the elimination of the log was acceptable. Both the court administrator and deputy clerk estimate the record-keeping tasks of the project consume approximately an hour a day or four to five hours a week.

Case tracking and notification has been handled through a manual caseload tracking system. However, the feasibility of computerization of these and other records in the Campbell County Clerk's Office has been studied. Automation could provide the court with an automated tickler file system to handle much of the tracking and notification tasks as well as provide other services. As yet however, the manual approach continues to be the management method.

21st Circuit-Bath, Menifee, Montgomery, and Rowan Counties.

The four-county makeup of this circuit presented unique problems in terms of scheduling and monitoring case activity. As in Campbell County, the clerks have assigned a special case number and placed the ELP cases in a special case jacket. Then, to assure that scheduling conflicts did not occur, the judge's secretary assumed primary responsibility for case management in this circuit. Using copies of the most relevant case documents, i.e., complaints, service, answer and motions, that are sent from the individual clerks' offices to the secretary, a duplicate case file is prepared and a card tickler file was set up in the secretary's office to mark when specific action by the court or the parties is due. Notification of the discovery conferences and other scheduling and the need for service or default judgments is issued from this office.

30th Circuit, 13th Division-Jefferson County.

To accommodate the high caseload volume in Jefferson Circuit Court, the clerks in this court specialize in specific record-keeping tasks. Thus, a number of people were affected by the introduction of ELP into this division. While one segment of the clerk's office assigns the special case number, another maintains the docket sheets, and another files the actual case jacket. Most affected, however, were the circuit court administrator and the judge's bench clerk. A cooperative arrangement between the two has been established to monitor the status of the ELP cases and to keep the cases progressing as required. Twice weekly, the court administrator collects case information from the case docket sheets, logs it and determines the type of action needed by the parties or court and when action is due. The status of these cases is reported to the bench clerk who sets dates in accordance with the judge's calendar, sends appropriate notice to the attorneys, and/or confers with the judge to determine appropriate actions.

In all three courts, the operation of the ELP has meant additional administrative responsibilities for the judges and their support staff. Before the initiation of each project, those to be affected by the special ELP rules were brought together with the staff from the American Bar Association and AOC to discuss the goals of the project, calculate the impact on their specific job, and determine the most efficient method of implementing the rules. As can be seen, each court developed their own procedures, all seemingly effective, to handle their duties.

The Impact of ELP Rules on Caseflow

Extensive data on case activity in the jurisdictions that have ELP were collected by staff of the Administrative Office of the Courts and the American Bar Association with the latter conducting a sophisticated analysis of time and costs in ELP versus regular docket cases as well as attorney and court perceptions of the advantages and disadvantages of the rules. From the data obtained, the evidence clearly shows that the ELP rules and procedures have had a dramatic, positive impact on processing the civil cases in these test-site courts.

The ABA has reported on the Campbell County experience in **The Judges' Journal**, Fall, 1982, and **The Justice System Journal**, Winter, 1983. In the summer of 1984, analysis on data collected in Jefferson County as well as Campbell was presented in a national publication called "Attacking Litigation Costs and Delay."

Unfortunately, the election process in the 21st Circuit disrupted the pace of case handling to such an extent as to preclude the inclusion of their statistical data with the other two courts. While preliminary data collected on the first three months of operation and presented in Kentucky's Fiscal Year 1983 **Annual Report** indicated that the 21st Circuit's ELP project results were comparable to that in the other two courts, the demands of Campaigning in the summer and fall apparently disrupted scheduling and conducting conference hearings and trials. For this reason, the ABA chose not to present statistics on the 21st since the rules in essence were not adhered to sufficiently to adequately assess the program. The experience of the 21st Circuit effectively illustrates one of the essential ingredients of the project, i.e., that control by the court is critical to the effectiveness of the rules.

Delay

The analysis of information collected in Campbell and Jefferson Counties yields convincing evidence that enforcement of the special rules can significantly shorten case life. On the average, the ELP cases in these two courts were disposed about nine months earlier than those handled on the regular docket, i.e., a 64 percent

reduction in time. As Table 1 shows, the elasped time between each major interval in the case contributed to the overall reduction in time; the average age of the regular docket case at disposition was 14 months while the ELP cases were five months old. While the Louisville court proved faster overall than the Campbell County court, the ABA determined that these differences were not such that the data from the two courts could not be combined. As can be seen, the differences between the regular docket and baseline cases for the two courts are proportionately similar. These changes occurred essentially regardless of case type—as the data in Table 2 illustrates. Obviously, the use of the special ELP rules and procedures connected with them helped these courts dramatically improve their case processing times and meet one of the formal goals of the project, i.e., that cases be disposed within six months.

The staff of the ABA suggest from their involvement with the project staff and review of the statistics that there are three basic characteristics singly or in combination that reduced the time at each stage of litigation of these cases. First, the new rules shortened the time between filing and answer to pleadings, motions, and discovery, i.e., about 30 days for each responsive pleading and 75 days for the discovery and pretrial phases of the case. With the rules, however, also came a monitoring system. The clerks and court administrators of these test courts regularly reviewed the status of each case and, when appropriate, prompted attorneys to file for default or dismissal. Second, the simplification of procedures dictated by the rules, particularly in the area of discovery, filings which permitted cases to proceed more quickly. For example, the ABA reports a 50 percent reduction in interrogatories filed and a 33 percent reduction in deposition notices. Finally, ELP cases terminated at an earlier stage than the regular docket. Again, the entry of court cases with the monitoring and notification procedures at the earliest stages of case activity encouraged attorneys to act. Also, the discovery conference which convened the parties early in the case life appears to have resulted in speedier settlement negotiations and, ultimately, disposition. Overall, 13 percent more ELP cases were disposed at the pleading stage than the regular docket/baseline group of cases. Table 3 shows the survival characteristics of the cases in these two courts (Connolly and Planet, unpublished).

A final illustration by means of caseload statistics of the effectiveness of the ELP rules is that 97 percent of the ELP cases were disposed of within one year compared to 60 percent of the regular docket/baseline cases; almost 77 percent of the ELP cases were closed in six months. As the ABA staff notes, national standards have recently been promulgated in **The Judges Journal**, Winter, 1984, which have set a goal of disposition at 90 percent of all civil cases in one year and 100 percent in 24 months with the distinction being made for non-jury cases and 18 months for a jury trial, on the average. It appears that the ELP rules could certainly assist most courts in reaching this goal.

Costs

The statistics gathered by the ABA effectively show that the ELP rules do speed case processing when the court staff utilizes them. Of equal concern, however, has been whether such time savings for the court will translate into time and cost savings for the attorneys and litigants. To address this concern, the ABA interviewed by phone attorneys in Campbell and Jefferson who had handled cases under the ELP rules.

The ABA reports that about 80 percent of the attorneys interviewed in these two courts indicated that they spent the same amount of time or less in the ELP cases. The greatest time savings in these cases occurred during the discovery stage apparently because of the reductions in the number of interrogatories and depositions.

In addition, the compressed time schedules dictated by the rules saved them time in pleadings, trial preparation and settlement negotiations.

The ABA staff suggest that the judicial control and procedural simplification elements of this program offer attorneys time savings in several ways. First, non-productive time spent on trips to the courthouse and on waiting for upcoming events is reduced. Second, duplicative discovery and motion filings are reduced by tailoring discovery at the early conference and limiting non-party depositions. Finally, the firm calendaring practices and resistance to routine continuances reduce repetitive preparation for the attorney.

ABA questioning revealed that such time savings did translate into cost savings for some ELP clients. Approximately 25 percent of the attorneys interviewed indicated that they had reduced their fees; the reduction averaged a substantial $660 or 24 percent.

As in other locales where cost savings have been studied, the type of billing system represents a primary factor in whether costs are passed on. (Chapper and Hanson, 1983). Thus, while attorneys using an hourly fee plan uniformly reported passing their savings to their clients, contingency fee clients obtained no reduction from their attorneys. ABA staff observe that while cost savings have initially been small, the potential aggregate reductions in attorney time and subsequent cost savings could be significant. They note contingent fees can be structured so the fee corresponds more to the time invested. In fact, they suggest that clients such as insurance carriers and corporations who utilize contingent fees may play a key role in ensuring that attorneys avail themselves of the time savings offered through programs such as ELP. Even though the savings may be small on a single case basis, these clients generally have such volume that again the aggregate savings are substantial.

Quality

If the ELP rules constrict the time period for case handling and produce cost savings but adversely affect the quality of justice, then this project could not be considered a success. Fortunately, this has not been the case. The ABA used as a standard for assessing the qualitative impact of the project whether the ELP rules hindered the attorney's ability to prepare for trial or settlement. Over 80 percent of the attorneys reported that the ELP rules did not impede their trial preparation or ability to conduct settlement negotiations.

Case records support this attorney information. While ELP cases do close at an earlier stage as compared to the regular docket cases, the outcome of ELP and regular/baseline cases were essentially the same as shown in Table 4.

The ELP judges likewise reported that attorney preparation did not appear inhibited. It was noted by them that while the time schedule is "tight," there is great flexibility in scheduling. The early discovery conference allowed a tailoring to the needs of the parties and both the discovery and pretrial seemed to help the attorney narrow the issues to be handled and improve their trial preparation.

In sum, there was no indication that the quality of the judicial process is hindered by the rules and certain factors that suggest the speedy attention to the cases are enhancements.

ELP Task Force

In the Fall of 1983 an Economical Litigation Task Force was assembled to evaluate whether the ELP can and should be used in the Kentucky courts in general. After careful consideration of the operation of ELP in the test sites, the Task Force observations and recommendations are as follows:

1. The time frames established under the present ELP rules be maintained with the possible

TABLE 4

Disposition Profile for ELP and Baseline Cases

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Settled/Dismissed	52%	54%	50%	46%
Motion	28%	27%	15%	23%
Default	10%	7%	16%	24%
Summary/Judgment	1%	3%	5%	3%
Trial	9%	9%	7%	4%

exception of expanding the trial setting period to six months in the highest caseload courts.

2. All civil cases including domestic relations cases come under the purview of the rules.

3. Limitations on discovery and continuances be retained in the interest of economy to the court and litigants.

4. Concerning the staffing of present and future delay-reduction projects:

(a) All parties who will be involved should participate in the designing and implementing of the procedures for project operation.

(b) There is no "one right way" to handle the tracking and support functions.

(c) These rules represent a change in the court's role in case management by placing a case under judicial control of the attorney.

(d) A manual tickler card system is the most efficient method of tracking case activity. The "case monitor(s)" must be familiar with various events that comprise a case but extensive legal expertise is not required.

5. Automation of case monitoring is not recommended on a statewide basis.

6. One phase of ELP involved the use of standardized, multi-ply forms. These forms were designed to be completed quickly, often in court, and to reduce typing, copying and mailing expenses. The concept was quite sound and should be incorporated in any further sites. If the rules continue to be employed, a change to a multi-ply docket sheet/statistical reporting card/ELP tickler calendar card form is urged in order to further reduce typing responsibilities.

TABLE 1

Comparison of Elapsed Times of ELP and Baseline Dockets at Major Intervals

(Average in Days)

	Kentucky		Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline	ELP	Baseline
Pleadings (a)	34	58	30	54	26	62
Discovery (b)	71	296	80	346	62	245
Pretrial (c)	94	237	83	115	70	359
Total	151	426	184	482	118	369
	N(d) = 242	N = 208	N = 146	N = 93	N = 96	N = 115

(a) From filing to last pleading.

(b) From first discovery event to final discovery event.

(c) From pretrial conference or trial scheduling to first trial day.

(d) N = Number of cases

TABLE 2

Comparison of Average Total Caselife by Case Type

(Average in Days)

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Contract	156	342	100	343
Personal Injury	266	742	116	522
Property Damage	155	588	210 *	193 *
Property Rights	243 *	204 *	67	299
Other	—	—	98	177

* Reversal from trend appears to be related to small number of cases.

TABLE 3

Comparison of Survival Characteristics for ELP and Baseline Cases

	Campbell County		Louisville	
	ELP	Baseline	ELP	Baseline
Pleadings (a)	48%	35%	51%	41%
Settled/Dismissed	24%	6%	27%	10%
Motion	19%	24%	11%	11%
Default	5%	5%	13%	2%
Discovery (b)	29%	39%	22%	44%
Settled/Dismissed	16%	32%	15%	25%
Motion	2%	7%	3%	11%
Default	3%	2%	2%	4%
Summary Judgment	1%	3%	2%	3%
Pretrial (c)	16%	17%	20%	11%
Settled/Dismissed	12%	16%	15%	10%
Motion	2%	1%	1%	1%
Default	2%	—	1%	—
Trial (d)	9%	9%	7%	4%

(a) Cases starting, not surviving pleadings - no answer filed or no discovery conference.

(b) Cases starting, not surviving discovery - no discovery filed, or pretrial conference or trial setting.

(c) Cases starting, not surviving pretrial - pretrial conference or trial setting, but not held.

(d) Cases beginning trial.

In 1976, a yearly report which contained a summary count of pending and filed circuit court cases was received by one AOC staff person. In 1977, statistical reports were compiled by the clerks on a monthly basis for the circuit courts and a quarterly basis for the lower courts. Reports during this time were very general and, for the lower courts, far from being consistent or complete.

With the establishment of the district courts in 1978, the case reporting process changed radically. At this time, statistical reporting was integrated into the clerk's internal record-keeping system and district cases. This change in reporting procedures dramatically increased the influx of incoming paperwork to the Information/Statistics Unit. Three people are now manually counting and compiling statistical information on the district court caseload. Since 1978, approximately seven million district court statistical reporting cards have been handled by the Information/Statistics staff. In 1981, the district data editors began keeping track of case dispositions (again, this is done manually) so that a quarterly report on case status can be provided to the clerks' offices.

In addition to providing statistical information, the criminal and traffic statistical cards are the foundation for the criminal history system maintained by the pretrial release section. These cards are counted and then forwarded to the appropriate pretrial officer for his record-keeping purposes.

At the circuit level, one data editor has monitored the statistical reports sence 1978. Case data was first indexed then and basic reports on case volume and rankings were developed for use in planning and assessing workload. Specific information on pending cases has been sent to the clerks and judges since 1980 and, in recent years, has been provided on a quarterly basis. A variety of case management reports have been developed for the judges and AOC that indicate the number and age of pending (1981) and closed cases (1985). With increasing interest on efficient case handling, time reports are intended to give judges valuable information on the status of their docket.

In addition to the basic circuit case volume reports and time reports, a system was established in 1981 to "weight" circuit court case dispositions. From questionnaire responses in 1979, the opinions of circuit judges were used to set a numerical value to various case dispositions. Since FY 1982, each circuit also has a weighted caseload score that has been ranked. Unfortunately, reporting problems on the statistical cards have prevented as complete a reliance on this information as was hoped. While the information on the circuit court cards is quite basic, increasingly detailed management reports and information is being generated for statewide planning as well as for local case management purposes.

In addition to developing and analyzing information provided on the statistical reporting forms, staff in Information/Statistics Unit have conducted a number of evaluation and impact studies for the court system and General Assembly using court data in-house and from local offices and judicial staff across the state. Some of the most significant research efforts were as follows:

A 15-county involving eight AOC staff was conducted in 1978 to collect disposition information on district court misdemeanor and traffic cases. In 1979, a 39-county survey was undertaken of circuit and district court civil cases. Both research efforts were prompted by the need to collect information to assess the impact of proposed legislation affecting fines and jurisdictional questions, respectively. From 1980 through 1981, regional meetings were attended across the state by AOC staff and circuit and district judges to develop a comprehensive picture of the workload situation in the trial courts. Findings and recommendations for handling workload were prepared for the 1982 General Assembly.

From 1981 through 1984, several Information/Statistics

staff participated with the American Bar Association in the design, implementation, and evaluation of a delay reduction project for circuit court civil cases. The ELP project (Economical Litigation Project) has operated in three jurisdictions. Both the ABA and a Task Force on Delay Reduction concluded the projects were sucessful and had many features that could be used in any jurisdiction. This project has required a great deal of time and effort in data collection, writing computer programs to analyze the data, and disseminating the results to judges in and out of Kentucky.

In 1985, another multi-county survey of district court misdemeanor data was undertaken. Information on public intoxication cases was collected and analyzed for the 1986 General Assembly.

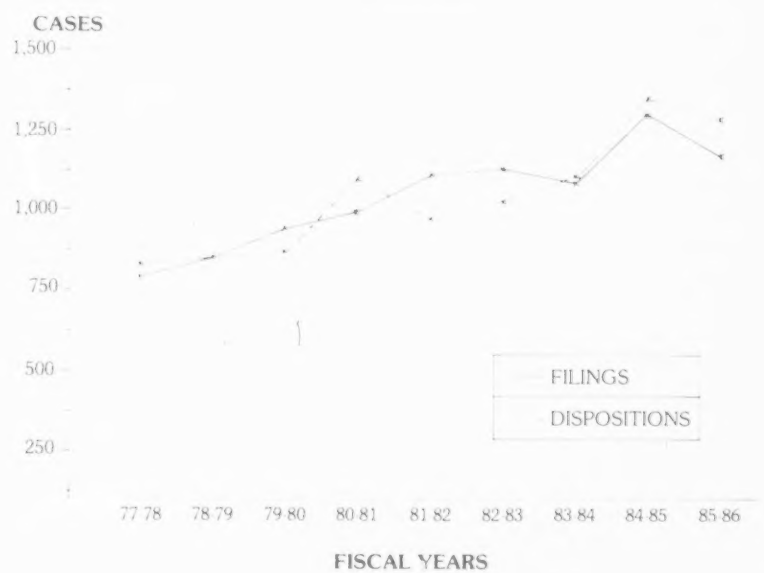
In summary, the responsibilities and methods of reporting to the Information/Statistics Unit have remained virtually unchanged since 1978. What has changed is the increasing reliance of this office and the legislature on the statistical data compiled by this section. Increasingly, objective information of the volume and nature of caseload in the courts is viewed as a necision-making for the court system. As automation of the clerks' and judges' offices is undertaken, not only the method of obtaining statistical data will change but we expect the number of users of statistical information to dramatically increase.

THE SUPREME COURT

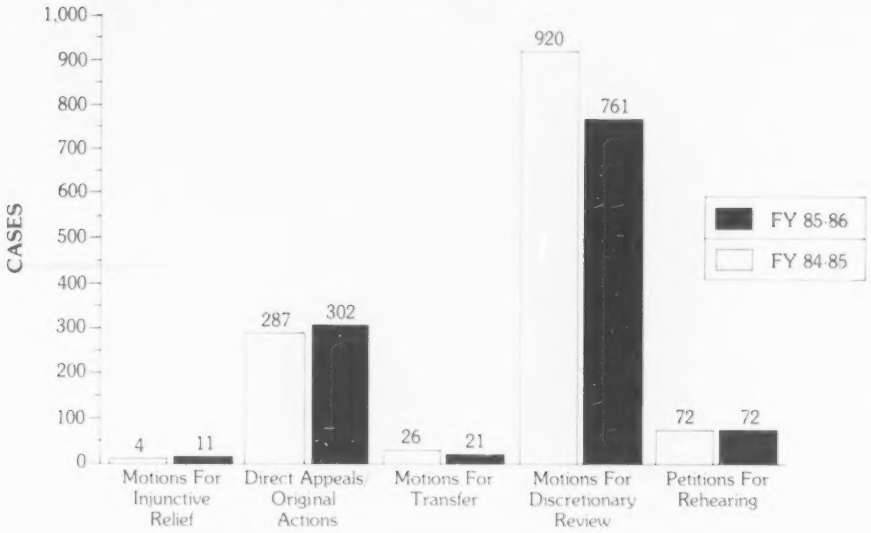
In FY 1985-86, in spite of a continued high filing level of 1,167, the pending docket of the Supreme Court dropped to its lowest level since FY 1980-81. At the year's end, 333 matters were reported pending which is down 24 percent from the previous fiscal year. Decreases in the backlog of all but one category, i.e., injunctive relief, were reported and contributed to this dramatic reduction. As shown in Figure 1, total filings and dispositions have evidenced a steady increase since the implementation of the unified court system. The filing level in FY 1985-86 is 48 percent higher and the disposition level is 55 percent higher than in the first complete fiscal year of operation of two appellate court levels, i.e., FY 1977-78.

In Figure 2, the Supreme Court's caseload for FY 1985-86 is categorized into five general case types and compared with figures reported in the previous fiscal year. The following case categories are distinguished: motions for injunctive relief, direct appeals and original actions, motions for transfer, motions for discretionary review, and petitions for rehearing.

SUPREME COURT
CASELOAD

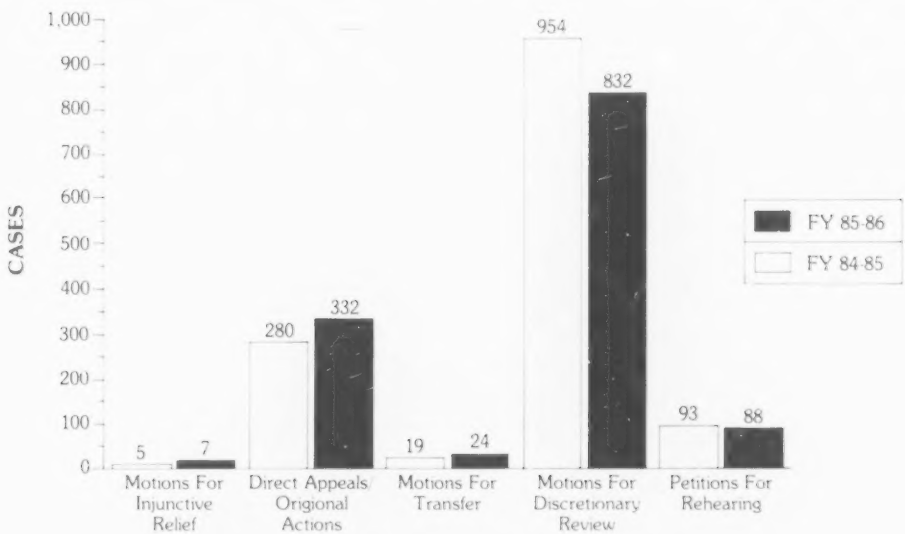


SUPREME COURT FILINGS



COMPARISON OF FISCAL YEARS 84-85 / 85-86

SUPREME COURT DISPOSITIONS



COMPARISON OF FISCAL YEARS 84-85 / 85-86

As in past years, motions for discretionary review comprised the majority (65 percent) of the matters filed with and subsequently disposed by the Supreme Court. As such, the declines in filings and dispositions in this past year are directly reflected in the court's total volume. However, while the disposition of these matters was less than last year, they exceeded the incoming cases. As a result, the number of pending discretionary review cases decreased by 28 percent and contributed to the overall decline in pending caseload.

Direct appeals and original actions represent the next largest category of cases handled by the Supreme Court. Twenty-six percent or 302 of this court's filings were so classified. Dispositions (332) exceeded the filing level and resulted in a nine percent decline in the backlog of these matters.

The remaining three categories represent less than 10 percent of the Supreme Court's filings but are of interest to some when viewing this court's caseload activity. For example, motions for injunctive relief (Rule 65.09) are reported but do not occur frequently. In FY 1985-86, 11 such motions were filed and seven were disposed. While petitions for rehearing increased significantly in FY 1983-84, there have been 72 of these petitions filed for each of the past two years. Dispositions have exceeded filings during this time and the backlog has decreased from 22 to six cases. Motions for transfer remains a very stable category with 21 filings and 24 dispositions; basically, the same level as the previous three years.

In addition to these specific categories, other types of motions, such as motions to proceed in forma pauperis, motions to substitute parties or attorneys, or extend time, represent a significant workload factor. For example, approximately 806 of these general motions were handled in FY 1985-86.

A total of 346 opinions, and opinions and orders, were issued during FY 1985-86 by the Supreme Court to dispose of these matters. Also during this period 869 court orders were entered.

Not quantified but certainly not to go unrecognized should be the amount of time devoted by the members of the Supreme Court and, particularly the Chief Justice, to assessing the problems and needs of the Court of Justice and determining the best procedures and methods for improving the court's operation.

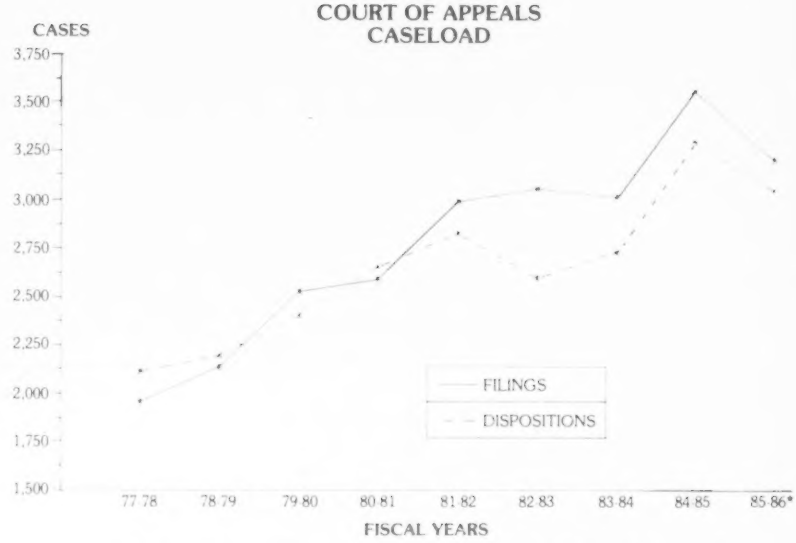
COURT OF APPEALS

In Fiscal Year 1984-85, the Court of Appeals registered the highest level of filings and dispositions ever reported, i.e., 3,593 and 3,305, respectively. This represented a 20 percent or 600 case increase from the previous year. Unfortunately, comparable data is not available for the full 12 months of Fiscal Year 1985-86. Because of a change in the Court of Appeals' filing procedures, caseload statistics are limited to the first eight months of Fiscal Year 1985-86. While caseload filings were high between July 1985 and February 1986, they did not equal the Fiscal Year 1984-85 filing levels. During these eight months, 2,120 filings were reported in comparison to the 2,336 filed in the previous year for these same months. Similarly, 2,065 dispositions were reported as compared to 2,166 in Fiscal Year 1984-85. Based on an average of 265 cases per month, a year-end total of 3,180 filings and 3,097 dispositions would be projected for the Court of Appeals. As the line graph in Figure 3 illustrates, the projected Fiscal Year 1985-86 caseload resumed a level of that evidenced in more recent years, excluding Fiscal Year 1984-85. While the number of dispositions during this time period nearly equals the number of filings, the number of pending cases at this time was higher than the number of pending cases last year. Because the court started the fiscal year with the largest number of pending cases ever, the backlog remains at a high level.

The volume of caseload by case type for the eight months in Fiscal Year 1985-86 that data is

available for is shown by the bar charts in Figure 4, as is the Fiscal Year 1984-85 caseload for this same time period. As can be seen, the largest proportion of matters filed and handled by the Court of Appeals is labeled direct appeals. As such, civil appeals composed 63 percent of all matters filed; criminal appeals constituted 17 percent of all matters filed and disposed by the Court of Appeals. The trends in these two categories, particularly the civil category, directly affect the overall filing level. Thus, it was the drop in direct appeals, i.e., civil appeals were down 13 percent and criminal appeals were down six percent, that accounts for the decrease evidenced in total filings and dispositions. Discretionary review cases appeared to have remained stable and were three percent of the total filings. The volume is generally between 70 and 100 cases and is projected to be at this level again. Original actions also continued to average the same level as in past years, i.e., five percent of the total caseload. Motions for injunctive relief increased between Fiscal Year 1984-85 and Fiscal Year 1985-86, from 12 cases to 20, but fluctuations are common in this category which represents less than one percent of the total Court of Appeals caseload.

Figure 3
COURT OF APPEALS CASELOAD

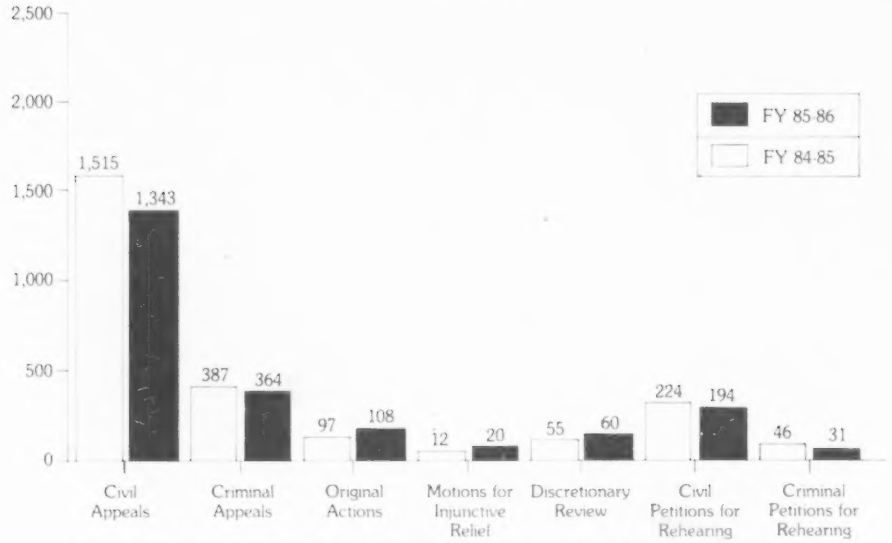


* 85-86 caseload is a projection based on reports between July 1985 and February 1986.

While it appears civil petitions for rehearing will not reach the level of Fiscal Year 1984-85 at eight months, there are more civil petitions than in past years. A level of 291 filings is projected. It appears criminal petitions for rehearing will resume a filing level of that before Fiscal Year 1984-85, i.e., approximately 47 cases.

Figure 4

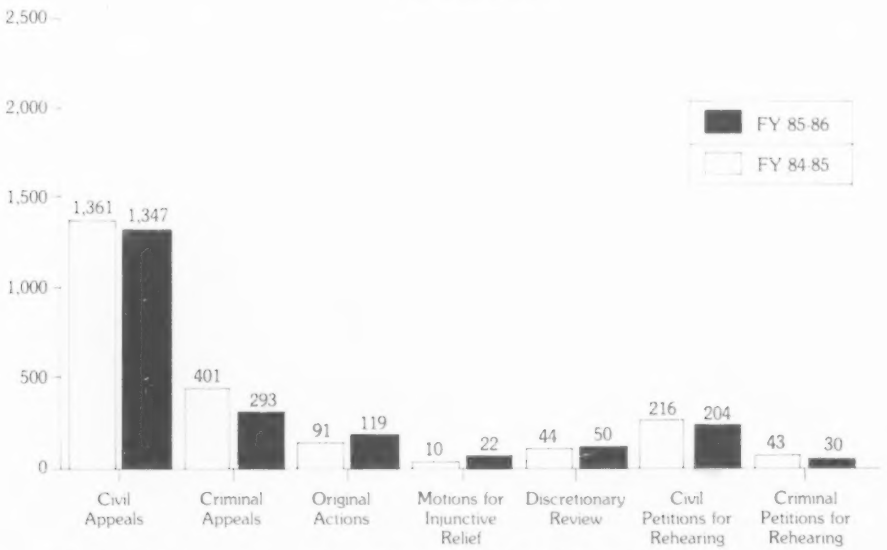
COURT OF APPEALS FILINGS



* July - February

COMPARISON OF FISCAL YEARS 84-85 / 85-86 *

COURT OF APPEALS DISPOSITIONS



* July - February

COMPARISON OF FISCAL YEARS 84-85 / 85-86 *

CIRCUIT COURT

In Fiscal Year 1985-86, 75,931 original cases were filed with the circuit courts; another 9,575 matters were reopened during this time period for a total of 85,506 filings in the state. The filing level of original cases increased by five percent from the previous year while reported reopenings increased by seven percent. The increase in reopenings is more likely the result of improved reporting than an actual increase in redocketing. Because of the variation in reporting reopenings, original caseload activity is the best method of gauging the volume of incoming workload and comparing the workload of the circuits. Therefore, the following statistical report on the circuit courts will focus primarily on the original cases.

As the line graph of Figure 5 indicates, the level of original filings across the state averaged 73,000 between Fiscal Year 1982-83 and Fiscal Year 1984-85 but increased four percent in Fiscal Year 1985-86, i.e., reaching 76,000. In contrast, the disposition of original cases has decreased in volume in each of the past four years. Nevertheless, the clearance rate in Fiscal Year 1985-86 remained at a very high level of 96 percent.

The overall increase in filings stems primarily from the steady rise in the filing of civil cases, i.e., cases involving contract disputes, personal injury, property damage and property rights cases. In one year, civil suits increased by 13 percent and between Fiscal Year 1982-83 and Fiscal Year 1984-85, civil filings rose by 20 percent. Civil cases constitute approximately 30 percent of the circuit caseload, thus trends in this category will significantly influence the state's overall filing level. Civil cases such as appeals from zoning and other administrative boards, state-initiated suits, some URESA cases, and cases involving only injunctive relief are categorized as "other civil" cases. These types of actions average about seven percent of the circuit caseload. In the past year, these cases increased by 13 percent but this follows a steady decline from 6,400 in Fiscal Year 1982-85 to 4,900 in Fiscal Year 1984-85.

Figure 6 uses bar charts to compare Fiscal Year 1985-86 case filings and case dispositions to Fiscal Year 1984-85 filings and dispositions as well as to indicate the composition of the circuit court workload.

As can be seen in Figure 6, domestic relations cases also constitute a major portion of the circuit court workload. Similar to past years, domestic relations filings comprised 40 percent of the original caseload and 43 percent of the total filings. Filings of original domestic relations have been stable at approximately 30,500. Reported reopenings of these matters have increased over 50 percent since

Figure 5
CIRCUIT COURT
ORIGINAL CASELOAD

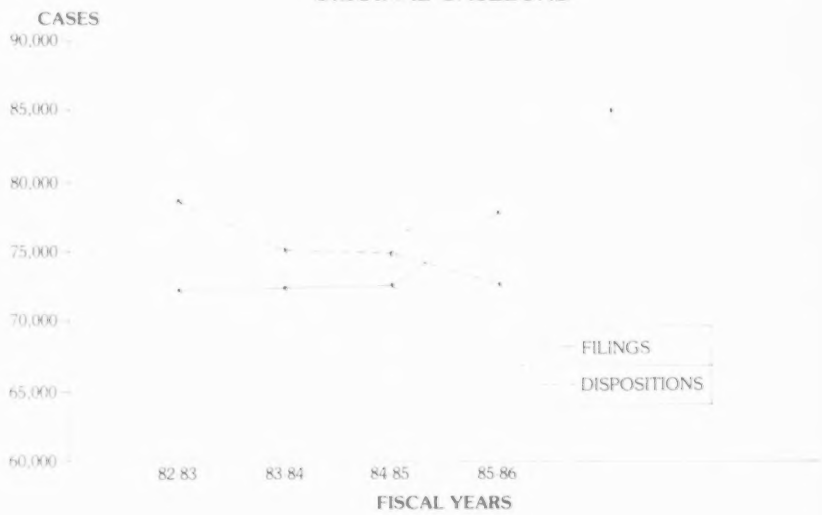
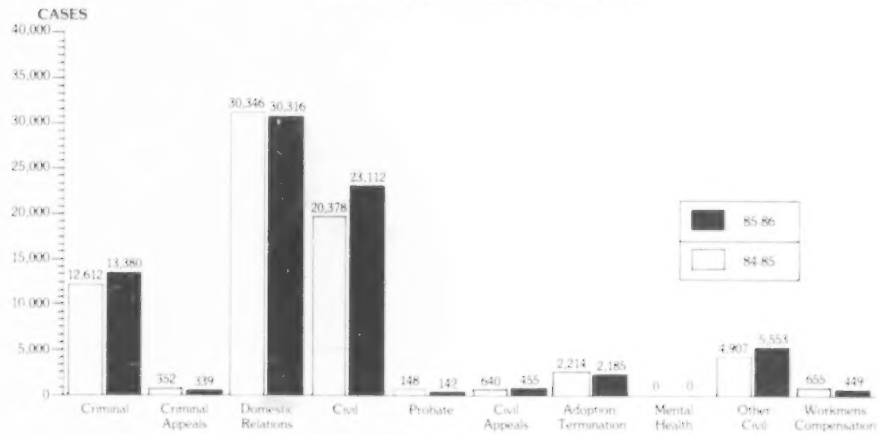


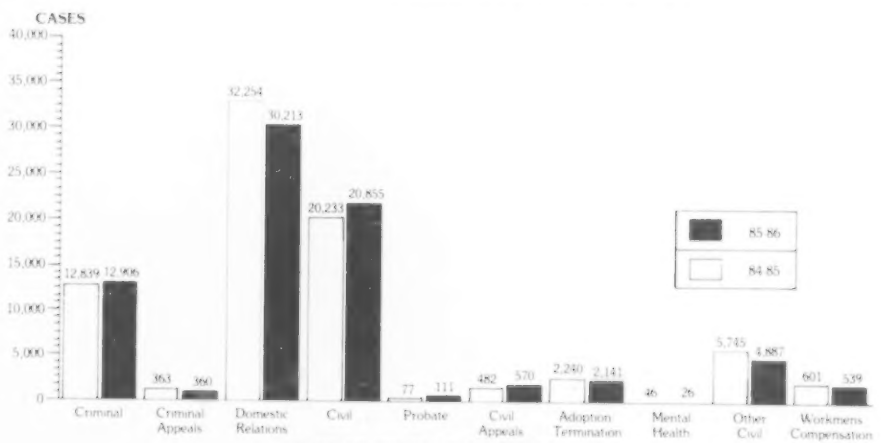
Figure 6

CIRCUIT COURT ORIGINAL FILINGS



COMPARISON OF FISCAL YEARS 84-85 / 85-86

CIRCUIT COURT ORIGINAL DISPOSITIONS



COMPARISON OF FISCAL YEARS 84-85 / 85-86

Fiscal Year 1982-83, i.e., going from 4,200 to 6,500. Statistical reports indicate that domestic cases involve matters that frequently involve post-judgment work. In Fiscal Year 1985-86, 68 percent of all reported reopenings involve domestic relations cases and 72 percent of all reopenings over the past four years are domestic relations cases.

The circuit court criminal caseload makes up 18 percent of the circuit court caseload. In Fiscal Year 1985-86, over 13,000 cases were filed which is an increase from Fiscal Year 1984-85 but is basically at the level of previous years. Criminal appeals from district court have declined in each of the past four years, i.e., from 453 in Fiscal Year 1982-83 down to 339 in Fiscal Year 1985-86. Criminal appeals, like civil appeals in circuit court, represent less than one percent of the circuit workload.

The remaining categories of cases in the circuit court represent a small proportion of circuit court work; each comprising three percent or less of the original filings. These cases include adoptions and termination of parental rights, worker's compensation cases, and probate cases that involve contested wills. In each of the past four years, adoption/termination cases and worker's compensation cases have declined; the latter category at a much more significant rate, i.e., 37 percent less than the former (see Figure 6). In contrast, probate cases registered a very slight (-6 case) decline, but the Fiscal Year 1984-85 and Fiscal Year 1985-86 level is still over 50 percent higher than the previous two years.

Mental health commitments and disability cases are no longer filed in the circuit courts but the transfer of these cases to district court continues to be reported -- though in an ever-decreasing number.

The preceding segment deals with the volume of caseload in the circuit courts on a statewide basis. Next, information will be presented on caseflow in the circuit courts. As noted, the statewide clearance rate or ratio of dispositions to filings was 96 percent. While keeping pace in general with the incoming work, the backlog of original and reopened cases did increase slightly, i.e., by four percent. Thus, the circuit courts entered Fiscal Year 1985-86 with approximately 71,500 original cases pending and ended the year with 74,700+ cases pending. However, information on the age of pending caseload indicates that while the total number of pending cases may fluctuate and even increase, the average age of the total pending docket has declined through Fiscal Year 1985-86. For example, in May 1985, the average age of the state's circuit court pending cases was 18.5 months. By May of 1986, nearly the end of the fiscal year, the average age of the state's pending caseload was lowered to 17.9 months. The steady reduction in case age indicates that the circuit judges across the state are handling a more current docket of cases.

When the average age of each circuit's total pending caseload is ranked, pending ages range from 6.1 months up to 38 months old. The median age of pending cases in this ranking was 15.7 months. These data are based on information as of May 1986, nearly the end of Fiscal Year 1985-86. In May of 1986, 17 circuits or almost one-third of the 56 circuits had a pending caseload with an average age less than 12 months; in the previous fiscal year, 11 circuits had pending dockets with an average age less than one year.

Information on the age and manner of disposition of closed circuit court cases in Fiscal Year 1985-86 is also available. The average age of all closed circuit cases -- original and reopened -- was 10.8 months during this time period. It appears, however, that the disposition of many older cases, i.e., matters handled as a result of a docket review process that determined no action had occurred in the case within the past year and resulted in a dismissal -- has inflated the overall age of closed cases. For example, 65 percent of all dismissed cases are over one year old while only 15 percent of

all other disposed cases are older than one year when closed. Thus, while the average age of dismissed cases was 23.1 months, the average age of all other cases was 6.5 months. A further breakdown on the age and manner of disposition of closed cases in Fiscal Year 1985-86 by case category follows.

The average age of all closed civil cases was 14.2 months. Two percent or approximately 745 of all civil cases were disposed by jury trial and their average age was 21 months. Thirty-six percent or approximately 11,300 cases were dismissed either before the trial stage or because of inaction. Their average age was 23.5 months. The remaining civil cases involved settlements, default judgments, summary judgments, court trials or some other kind of judicial action resulting in the issuance of a final order. These cases closed, on the average, in 8.3 months.

The domestic relations category indicates the number of divorce matters handled in the circuit courts but also includes matters involving child support, custody, and other family-related issues. Sixty percent of all domestic relations matters did result in a divorce decree; 87 percent (almost 19,000 cases) were uncontested and 13 percent were contested (almost 3,000 cases). Divorce cases appear to be handled expeditiously. The average age of the uncontested divorces was 4.5 months while contested divorces closed in an average of 7.5 months. Twenty percent of the domestic relations cases did close by dismissal (25.1 months). The remaining 24 percent were closed most often by the issuance of an order or a decision after a hearing before the judge concerning some post-judgment matter; these were closed quickly, i.e., in 3.7 months on the average.

Worker's compensation cases closed in 11.3 months; if dismissed, they were generally 22.6 months old.

Five basic dispositions in criminal cases are reported. Of the 15,400 + cases reported disposed in Fiscal Year 1985-86, approximately 1,200 or eight percent were jury trials closed in an average of 9.5 months, 200 + (two percent) were court trials closed in 8.8 months, 7,450 (48 percent) were guilty pleas closed in 6.1 months and 3,340 (22 percent) were dismissals closed in 17.3 months, on the average. Another 19 percent were closed in some other fashion, such as by an administrative order of transfer to another jurisdiction or declaration of the defendant as fugitive.

Circuit Court Caseload Ranking

Because of caseload fluctuations, it appears the more reliable approach to comparing circuit court workload is to review each court's standing on several caseload measures over time rather than to use one caseload indicator in one year. As discussed earlier, the accuracy of reporting reopening situations varies significantly across the state. Because reopenings effect each circuit's "total" caseload count, comparison between courts based on total filings, dispositions, or weighted dispositions are suspect. Therefore, a four-year average of original filings and original weighted caseload has been compiled for each court. Each circuit's rating on these two measures has been established. After reviewing each circuit's rating on each caseload measure and considering factors such as the accuracy of statistical reporting from the counties in the circuit, the characteristics of the caseload, and the composition of the circuit, the 56 circuits have been grouped into one of three classifications, i.e., high, mid-range, or moderate. High caseload circuits are those consistently ranked in the top 25 percent or as the top 14 circuits; mid-range circuits are those consistently placed in the middle 50 percent; and moderate circuits are consistently ranked in the lower 25 percent of the caseload rankings.

High Caseload Circuits

Circuit:	Counties:
6*:	Daviess
8*:	Warren

11:	Green, Marion, Taylor, Washington
12:	Henry, Oldham, Trimble
13*:	Garrard, Jessamine, Lincoln
14*:	Bourbon, Scott, Woodford
21:	Bath, Menifee, Montgomery, Rowan
22:	Fayette
26:	Harlan
28*:	Pulaski, Rockcastle
30*:	Jefferson
31*:	Floyd
34:	McCreary, Whitley
35*:	Pike
41:	Clay, Jackson, Leslie
42*:	Calloway, Marshall
48*:	Franklin
51:	Henderson
54*:	Boone, Gallatin

Mid-Range Caseload Circuits

Circuit:	Counties:
4*:	Hopkins
5:	Crittenden, Union, Webster
7:	Logan, Todd
9:	Hardin
10:	Hart, Larue, Nelson
15:	Carroll, Grant, Owen
17:	Campbell
20:	Greenup, Lewis
25:	Clark, Madison
27:	Knox, Laurel
29:	Adair, Casey, Cumberland, Monroe
36:	Knott, Magoffin
37:	Carter, Elliott, Morgan
38:	Butler, Edmonson, Hancock, Ohio
39:	Breathitt, Powell, Wolfe
40:	Clinton, Russell, Wayne
43:	Barren, Metcalfe
44:	Bell
45:	Mclean, Muhlenberg
46:	Breckinridge, Grayson, Meade
50:	Boyle, Mercer
53:	Anderson, Shelby, Spencer
55:	Bullitt
56:	Caldwell, Livingston, Lyon, Trigg

Moderate Caseload Circuits

Circuit:	Counties:
1:	Ballard, Carlisle, Fulton, Hickman
2:	McCracken
3:	Christian
16:	Kenton
18:	Harrison, Nicholas, Pendleton, Robertson
19:	Bracken, Fleming, Mason
23:	Estill, Lee, Owsley
24:	Johnson, Lawrence, Martin
32*:	Boyd
33:	Perry
47:	Letcher
49:	Allen, Simpson
52:	Graves

* Domestic relations commissioner is used in this circuit, to some extent, as of July 1, 1985.

DISTRICT COURT

In Fiscal Year 1985-86, over 650,000 original district court cases were filed across the state. Additionally, almost 15,000 cases were reported reopened during this time. In contrast, in Fiscal Year 1984-85, there were 611,000 original cases reported and almost 14,000 reopenings were submitted. The seven percent increase in original filings stems from a substantial jump in traffic cases (up 24,000), civil cases (up 8,000), small claims and felonies (both up 3,000). Dispositions, likewise, evidenced an increase of eight percent between Fiscal Year 1984-85 and Fiscal Year 1985-86; over 646,000 district court cases were reported disposed in Fiscal Year 1985-86. The clearance ratio, i.e., the proportion of dispositions to filings, was 98 percent in Fiscal Year 1984-85 and 99 percent in Fiscal Year 1985-86 for both the original cases and total district court caseload.

Statistical information on original district court caseload has been compiled for Fiscal Year 1984-85 and Fiscal Year 1985-86 after determining that "total" caseload figures are not as accurate as needed. In previous years, no distinction was made between original cases and matters that were redocketed in the statistical counts; thus, "total" caseload is the only statistical indicator of work that is available between Fiscal Year

1978-79 and Fiscal Year 1983-84. But, after a review of the reporting of "reopenings," it is evident that actual reopening case activity is not consistently or accurately reflected in the reports that have been submitted. In contrast, statistical reports on original cases are generally complete and reliable across the state. Therefore, original caseload statistics are the better measure for determining district court caseload activity and for comparing individual district courts in a fair manner. The line graph of Figure 7 illustrates the volume of incoming original cases and the number of cases disposed in the two years for which we have these data.

In Fiscal Year 1985-86, nine different categories of cases were handled in district court. In Figure 8, the bar graphs illustrate the composition of the district court workload as well as show the filing and disposition levels of these various case categories in the past two years. The 279,000, plus traffic cases filed in Fiscal Year 1985-86, constituted 40 percent of the district courts' total volume, misdemeanor cases comprised 30 percent, and felony filings represented five percent of the total. These proportions are consistent with the filing levels in past years. Altogether, three-fourths of all matters brought to the district court involve public offenses.

Figure 7
DISTRICT COURT ORIGINAL CASELOAD

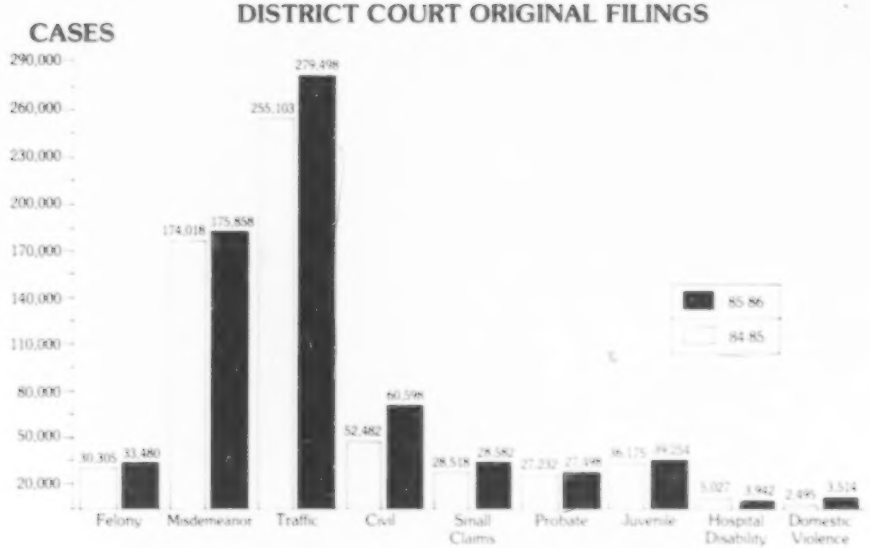
For your Information:

	85	86
Filings:	611,355	653,224
Disp:	598,582	646,099

The sizeable increase, i.e., 10 percent, in traffic caseload is most likely the result of the Traffic Alcohol Program (TAP) in the largest jurisdictions of the state. TAP increases the number of officers working in the community and has as its primary goal the reduction of alcohol-related driving offenses. The Louisville and Lexington traffic caseload rose by approximately 14 percent, i.e., 11,000 + and 3,000 + cases, respectively. Kenton County's traffic caseload increased by 40 percent, i.e., 2,700 cases, Pike County's traffic caseload increased by 23 percent, i.e., 1,300 cases, and Warren County's traffic caseload rose by 24 percent, i.e., 1,100 + cases. Since these courts handle almost half of the state's caseload, changes such as these have a significant impact on the state's totals. Despite the increased demand on court resources that these cases must represent, the district court traffic dispositions exceeded filings indicating that some amount of work has involved handling backlogged cases.

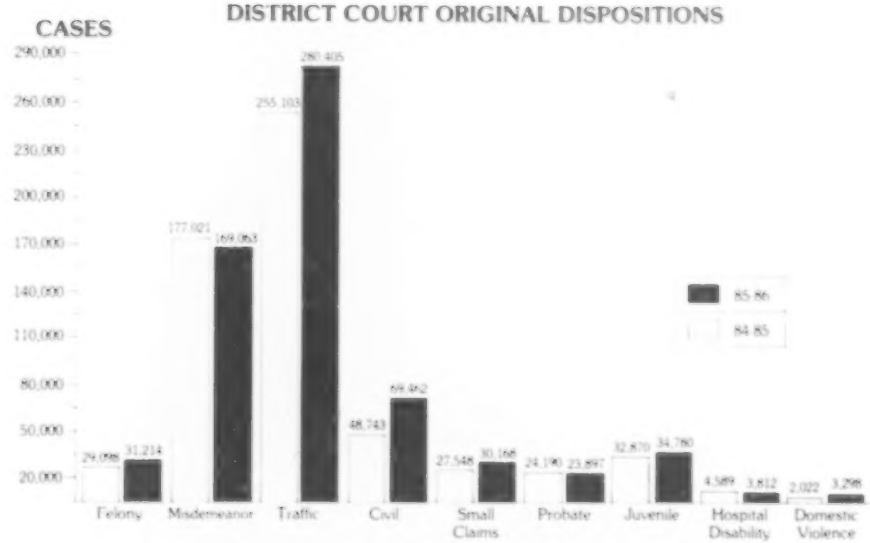
Following a drop in felony filings and dispositions in Fiscal Year 1984-85, original felony cases in the district courts increased to almost 33,500 which is their highest level reported since Fiscal Year 1978-79. In

DISTRICT COURT ORIGINAL FILINGS



COMPARISON OF FISCAL YEARS 84-85 / 85-86

DISTRICT COURT ORIGINAL DISPOSITIONS



COMPARISON OF FISCAL YEARS 84-85 / 85-86

For Reference Purposes: TABLE 8

COMPARISON OF FISCAL YEARS 1985-86 VS 1984-85 REPORTED ORIGINAL CASES

DISTRICT COURT

STATEWIDE BY CASE TYPE

Rundate: 2/13/87

TYPE OF CASE	1985-86 TOTAL	1984-85 TOTAL	DIFFERENCE (1985-86 - 1984-85)	PERCENTAGE DIFFERENCE
CASE FILINGS ****				
Felony	33480	30305	3175	10.5 %
Misdemeanor	175858	174018	1840	1.1 %
Traffic (Excl. Prepaid)	279498	255103	24395	9.6 %
Civil	60598	52482	8116	15.5 %
Small Claims	29582	28518	1064	3.7 %
Probate	27498	27232	266	1.0 %
Juvenile	39254	36175	3079	8.5 %
Ment Health/Disability	3942	5027	-1085	-21.6 %
Domestic Violence	3514	2495	1019	40.8 %
TOTAL FILINGS	653224	611355	41869	6.8 %
CASE DISPOSITIONS ****				
Felony	31214	29098	2116	7.3 %
Misdemeanor	169063	177021	-7958	-4.5 %
Traffic (Excl. Prepaid)	280405	252501	27904	11.1 %
Civil	69462	48743	20719	42.5 %
Small Claims	30168	27548	2620	9.5 %
Probate	23897	24190	-293	-1.2 %
Juvenile	34780	32870	1910	5.8 %
Ment Health/Disability	3812	4589	-777	-16.9 %
Domestic Violence	3298	2022	1276	63.1 %
TOTAL DISPOSITIONS	646099	598582	47517	7.9 %

**** The Case Categories are Felony, Misdemeanor, Traffic (Excluding Prepaid Citations and Parking Violations), Civil (Contract, Personal Injury, Property Damage, Property Rights, Forcible Detainers, Uniform Reciprocal Support Act Cases, Department of Revenue and other Commonwealth-Initiated Fiscal Suits, Etc.), Small Claims, Probate (Estate Cases, other Fiduciary Appointments, Name Changes), Juvenile (Delinquency, Status, Dependency, Needy, Neglect, Abuse, Paternity Suits, and Adult Violations of Endangering the Welfare of or Unlawful Transaction with a Minor), Disability and Involuntary Hospitalization, and Domestic Violence. Felony, Misdemeanor, Traffic and Juvenile Cases are Counted by defendant for Cross-Jurisdictional Comparability.

contrast to the substantial increases in traffic and felonies, the level of incoming misdemeanor cases remained stable while misdemeanor dispositions dropped somewhat, i.e., by 4.5 percent.

Concerning the civil caseload in district court, civil cases involving suits over $1,000 constitute nine percent of the state's new district cases while small claims cases represent five percent of the district caseload. Civil filings have fluctuated from year to year but generally have averaged 55,000. In the past year, however, filings increased by 15 percent and dispositions rose by a dramatic 43 percent. While many courts reported higher civil clearance rates, Jefferson County district judges evidently devoted a great deal of attention to the pending civil caseload and disposed of 12,000 more civil cases than were filed during Fiscal Year 1985-86. This activity, in turn, influenced the statewide rate changes. Small claims case filings increased by 1,000 cases to approximately 29,500 cases, but small claims have registered in the 28,000 to 29,000 range for the past four years. As with the civil category, dispositions surpassed filings in Fiscal Year 1985-86.

Juvenile matters in district court, as in past years, represented six percent of the district court workload. Juvenile statistics not only indicate the number of juvenile petitions to court for status and public offenses but also include adult violations concerning juveniles, such as endangering the welfare of a minor, child abuse and neglect cases, and paternity cases. An eight percent increase in filings resulted in a 39,000 + filing level in Fiscal Year 1985-86.

Probate matters consistently comprise four percent of the district court workload and have averaged 27,000 filings and 24,000 dispositions over the years. Hospitalization and disability cases, transferred to district court in July 1982, involve handling the hospitalization of mentally ill and mentally retarded persons, determinations of mental or physical disability and appointment of guardians for persons declared mentally or physically disabled. Original case filings dropped from approximately 5,000 to 4,000 in the past year. Statistical reports indicate, however, that these cases are regularly reopened. In Fiscal Year 1985-86, there were an additional 1,000 hospitalization/disability cases handled that had been previously disposed.

The domestic violence category was formally created in July 1984. These actions are designed to give immediate relief in danderous domestic situations. During the first year of operation, under this new act, i.e., Fiscal Year 1984-85, 2,495 original cases were filed. Case filings increased by 41 percent in Fiscal Year 1985-86 and 3,514 new cases were filed; another 158 domestic violence matters were redocketed in the district courts.

In summary, the district court caseload volume increased substantially in Fiscal Year 1985-86 due apparently to the utilization of TAP (Traffic Alcohol Programs) across the state, but also to an increase in the filing of civil, felony and juvenile cases for which no information is available to explain this increase. In fact, only one case category, mental health and disability, experienced a decline in incoming cases, but since these cases constitute only one percent of the district's total workload, their decrease has virtually no impact on the total district workload. Despite the increase in work, the judges in the district court appear to be efficiently handling their docket as illustrated by a 99 percent clearance rate.

DISTRICT COURT CASELOAD RANKING

An overall rating of each district's workload has been developed based on an average of original filings per judge for the past two years. The ratings of these districts based on original filings corresponds to that obtained in Fiscal Year 1984-85 which was based on total filings and dispositions in Fiscal Year 1983-84 and Fiscal Year 1984-85. Each district was classified into one of three groupings, i.e., high, mid-range, or moderate. Those

with the high caseload ranking consistently rated in the top 25 percent of the rankings in these two years. Mid-range districts placed between a rank of 15 and 42 on the caseload rankings and moderate caseload districts consistently reported caseloads that placed in the lower 25 percent of the rankings. The results of this classification process are shown with the courts listed in district order.

High Caseload Districts

District:	Counties:
2:	McCracken
8:	Warren
22:	Fayette
25:	Clark, Madison
26:	Harlan
27:	Laurel, Knox
30:	Jefferson
31:	Floyd
33:	Perry
35:	Pike
36:	Knott, Magoffin
39:	Breathitt, Powell, Wolfe
42:	Calloway, Marshall
44:	Bell
51:	Henderson
55:	Bullitt

Mid-Range Caseload Districts

District:	Counties:
3:	Christian
4:	Hopkins
5:	Crittenden, Union, Webster
6:	Daviess
7:	Logan, Todd
9:	Hardin
10:	Hart, Larue
11:	Green, Marion, Taylor, Washington
13:	Garrard, Lincoln, Jessamine
14:	Bourbon, Scott, Woodford
16:	Kenton
17:	Campbell
19:	Bracken, Fleming, Mason
20:	Greenup, Lewis
21:	Bath, Menifee, Montgomery, Rowan
24:	Johnson, Lawrence, Martin
28:	Pulaski, Rockcastle
34:	McCreary, Whitley
37:	Carter, Elliott, Morgan
41:	Clay, Jackson, Leslie
43:	Barren, Metcalfe
45:	McLean, Muhlenberg
46:	Breckinridge, Grayson, Meade
47:	Letcher
48:	Franklin
54:	Boone, Gallatin
57:	Nelson

Moderate Caseload Districts

District:	Counties:
1:	Ballard, Carlisle, Fulton, Hickman
12:	Henry, Oldham, Trimble
15:	Carroll, Grant, Owen
18:	Harrison, Nicholas, Pendleton, Robertson
23:	Estill, Lee, Owsley
29:	Adair, Casey, Cumberland, Monroe
32:	Boyd
38:	Butler, Edmonson, Hancock, Ohio
40:	Clinton, Russell, Wayne
49:	Allen, Simpson
50:	Boyle, Mercer
52:	Graves
53:	Anderson, Shelby, Spencer
56:	Caldwell, Livingston, Lyon, Trigg

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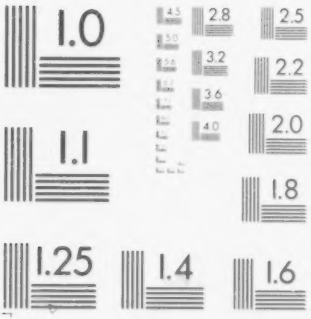

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